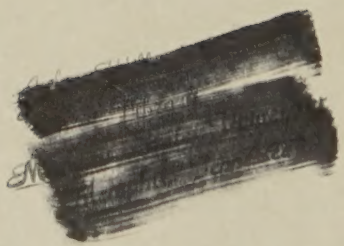

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The Judge's busy day

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THE LAWYER'S ALCOVE

Poems by the Lawyer, for the Lawyer and about the Lawyer

EDITED

BY

INA RUSSELLE WARREN

INTRODUCTION BY CHAUNCEY M. DEPEW

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1900

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PREFACE

EVER since the appearance of "The Doctor's Window," an anthology of medical poems, members of the legal profession have tried to persuade me that it would be happily appreciated if I would perform a like service for the Law. In complying, my only defense is that it seemed a pity so much admirable work, written for occasion or appearing in newspapers only, should be lost to the coming generations. My apology, therefore, is not for what I have done, but rather for what I have left undone. This collection, I hope, may serve to show the treasures of poesy carefully ensconced by and for the defenders of Justice.

The editor's thanks are gratefully acknowledged to Messrs. Houghton, Mifflin & Company, the Century Company, Messrs. Harper & Brothers, Messrs. Dodd, Mead & Company, Messrs. Lee & Shepard, the Boston Book Company, and Life Publishing Company for their courtesy in permitting the use of copyright poems; to authors for the privilege of selecting with a free hand from their works, as well as for various excellent poems written especially for this book.

In conclusion, cordial thanks are tendered members of the Bar for much valuable assistance.

I. R. W.

BUFFALO, N.Y.,
June 30, 1900.

TO

THE GRACIOUS MEMORY

OF

Theodore Wende

"No room was left for hope or fear,
Of more or less; so high, so great
His growth was, yet so safe his seat.
Safe in the circle of his friends;
Safe in his loyal heart and ends;
Safe in his native, valiant spirit;
By favor safe, and safe by merit."

INTRODUCTION

THERE is little poetry in a lawyer's life, but a good deal of romance. It is said that there are one million of novels and only twenty-eight plots. If the door of the attorney's skeleton closet was opened, the world's stock of tragedies and comedies would be enormously increased. His cardinal principle is to safeguard the secrets of his clients. While the law is the best abused of the professions, the fidelity of counsel to the confidences reposed in them redeems human nature from the faults and foibles in other pursuits which condemn it. Family feuds fought out and then hushed up, the mystery of wills, the settlement of estates, and the adjustment of differences between relatives and business associates are full of every element which furnish the characters and weave the plots of successful stories. The realism of the drama which makes the stage the portrayal of the strength and weakness, the danger and the triumphs, of life, and of the eternal warfare between virtue and vice pervades all the chapters from the lawyer's register.

While very proud of his profession, the lawyer is less sensitive to criticism than clergymen, doctors, or journalists. They resent attacks, he laughs at them. He stands sure, secure, and serene upon the firm foundations of laws which govern both states and individuals, which safeguard rights, redress wrongs, administer justice, and preserve civilization.

Law is a jealous mistress, and yet great lawyers have found rest and recreation in literature. They have risen from the dry and exacting labors of the office or the court to give fancy and imagination an excursion into the realms of fiction and poetry. The accuracy of their training lends wonderful finish to essay, story, or verse, or sharper sting to satire. The best poetry upon law and lawyers, either of praise or blame, has been written by lawyers. The members of the bar will highly prize a book which has garnered within its covers the best thought of the muse upon their profession. The law student will find a delightful and unexpected view of the work he has selected for his career. That this has never before been done is the best reason for welcoming the effort to do it now. The lover of the law will discover here the lines, for which elsewhere he might long search in vain, to adorn his lectures or finish his speech, and the critic the note which will help his efforts.

CHAUNCEY M. DEPEW.

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THE LAWYER'S ALCOVE

Themis, alone uninfluenced by their crimes,
Escapes the foul contagion of the times ;
With her, nor hope of pow'r nor fear prevail,
But still well-poised she trim'd the steady scale,
No spots the luster of her shrine impair,
But justice finds a sacred refuge there.

— VOLTAIRE.

Justice

AN ODE

I

CHILD of the dust! to yonder skies
Thy vision canst thou turn?
And trace, with perishable eyes,
The seats where seraphs burn?
There, by the throne of God on high,
An angel form canst thou descry,
Ineffably sublime?
Or is the effulgence of the Light
Intense, insufferably bright,
For beings born of Time?

II

That angel form, in light enshrined,
Beside the living throne,
Is Justice, still to heaven confined —
For God is just alone.
This Angel, of celestial birth,
Her faint resemblance here on earth
Has sent, mankind to guide —
Yet, though obscured her brightest beams,
Still with too vivid ray she gleams
For Mortals to abide.

III

When the first father of our race
  Against his God rebelled,
Was banished from his Maker's face,
  From Paradise expelled;
For guilt unbounded to atone,
What bound could punishment have known,
  Had Justice dealt the blow?
Sure, to infernal regions hurled,
His doom had been a flaming world
  Of never ending woe!

IV

But Mercy, from the throne of God,
  Extended forth her hand;
Withheld th' exterminating rod,
  And quenched the flaming brand:
His blood the blest Redeemer gave,
Th' apostate victim's blood to save,
  And fill redemption's plan:
Angels proclaimed in choral songs,
"Justice to God alone belongs,
  And Mercy pardons man."

V

When, issuing from the savage wild,
  Man forms the social tie,
Justice severe, and Mercy mild,
  To bind the compact vie;
Of each his own, the parting hedge
Stern Justice takes the solemn pledge;
  The sacred vow enjoins.
While Mercy, with benignant face,
Bids man his fellow-man embrace,
  And heart with heart entwines.

VI

To both united is the trust
  Of human laws consigned;
One teaches mortals to be just;
  The other, to be kind;

Yet shall not Justice always wear
The garb of punishment, or bear
  The avenging sword to smite:
Nor Mercy's ever gladdening eye
Permit the ruffian to defy
  Th' unerring rule of right.

VII

To Justice, dearer far the part
  To tune the plausive voice;
Of Virtue to delight the heart,
  And bid the good rejoice.
To yield the meed of grateful praise —
The deathless monument to raise,
  To honor Virtue dead;
Or wreathe the chaplet of renown,
The laurel or the mural crown,
  For living Virtue's head.

VIII

Here, to defend his native land,
  His sword the patriot draws;
Here the mock-hero lifts his hand
  To aid a tyrant's cause.
When, meeting on the field of blood,
They pour the sanguinary flood,
  Whose triumph waves unfurled?
Alas! let Cheronea tell;
Or plains where godlike Brutus fell,
  Or Cæsar won the world!

IX

In arms, when hostile nations rise
  And blood the strife decides,
'Tis brutal force awards the prize,
  Her head while Justice hides.
But short is force's triumph base:
Justice unveils her awful face,
  And hurls him from the steep;
Strips from his brow the wreath of fame,

And after ages load his name
With curses loud and deep.

X

Behold the lettered sage devote
The labors of his mind,
His country's welfare to promote,
And benefit mankind.
Lo! from the blackest caves of hell,
A phalanx fierce of monsters fell,
Combine their fearful bands—
His fame asperse, his toils assail;
Till Justice holds aloft her scale
And shields him from their hands.

XI

Of excellence, in every clime,
'Tis thus the lot is cast;
Passion usurps the present time,
But Justice rules the past:
Envy, and selfishness, and pride,
The passing hours of man divide
With unresisted sway;
But Justice comes, with noiseless tread,
O'ertakes the filmy spider's thread
And sweeps the net away.

XII

Eternal Spirit! Lord supreme
Of blessing and of woe!
Of Justice, every living stream!
Whose mercies ceaseless flow—
Make me, while earth shall be my span,
Just to my fellow-mortal, man,
Whate'er my lot may be.
And when this transient scene is o'er,
Pure let my deathless spirit soar,
And Mercy find from thee.

—John Quincy Adams.

A Roman Lawyer in Jerusalem

FIRST CENTURY

Judas Defended

* * * * * * * * *

"SOME say that Judas was a base, vile man,
Who sold his Master for the meanest bribe;
Others, again, insist he was most right,
Giving to justice one who merely sought
To overthrow the Church, subvert the law,
And on its ruins build himself a throne.
I, knowing Judas — and none better knew —
I, caring naught for Christus more than him,
But hating lies, the simple truth will tell.
No man can say I ever told a lie;
I am too old now to begin. Besides,
The truth is truth, and let the truth be told.
Judas, I say, alone of all the men
Who followed Christus, thought that he was God.
Some feared him for his power of miracles;
Some were attracted by a sort of spell;
Some followed him to hear his sweet, clear voice,
And gentle speaking, hearing with their ears,
And knowing not the sense of what he said;
But one alone believed he was the Lord,
The true Messiah of the Jews. That one
Was Judas, — he alone of all the crowd.

"He to betray his Master for a bribe!
He last of all. I say this friend of mine
Was brave when all the rest were cowards there.

"His was a noble nature: frank and bold,
Almost to rashness bold, yet sensitive,
Who took his dreams for firm realities;
Who once believing, all in all believed;
Rushing at obstacles and scorning risk,
Ready to venture all to gain his end;

No compromise or subterfuge for him,
His act went from his thought straight to the butt.
Yet with this ardent and impatient mood
Was joined a visionary mind that took
Impressions quick and fine, yet deep as life.
Therefore it was that in this subtle soil
The Master's words took root and grew and flowered.

* * * * * * * * *

"That he was honest, and was so esteemed,
Is plain from this, — they chose him out of all
To bear the common purse, and take and pay.
John says he was a thief, because he grudged
The price that for some ointment once was paid,
And urged 'twere better given to the poor.
But did not Christus ever for the poor
Lift up his voice, — 'Give all things to the poor;
Sell everything and give all to the poor!'
And Judas, who believed, not made believe,
Used his own words, and Christus, who excused
The gift because of love, rebuked him not.
I, for my part, see nothing wrong in this.
Did he alone of Christus' followers
Condemn this gift? ah no! by all of them
It was condemned, all cried indignantly,
'Why is this waste?' not Judas more than they.

"Thief! thief indeed! If Christus was a God
Or even a Prophet, or, far less, a man,
Endowed with common judgment, insight, mind,
He must have known and seen what Judas was,
With whom he lived in constant fellowship;
And yet he chose him out of all of them
To bear the purse and give alms to the poor! —
He chose a thief and none remonstrated,
Not even John, for all he now may say."

"But why, if Judas was a man like this,
Frank, noble, honest," — here I interposed, —
"Why was it that he thus betrayed his Lord?"

"This question oft did I revolve," said he,
"When all the facts were fresh, and oft revolved

In later days, and with no change of mind;
And this is my solution of the case: —

"Daily he heard his Master's voice proclaim,
'I am the Lord! the Father lives in me!
Who knoweth me knows the Eternal God!
He who believes in me shall never die!
No! he shall see me with my angels come
With power and glory here upon the earth
To judge the quick and dead! Among you here
Some shall not taste of death before I come
God's kingdom to establish on the earth!'

"What meant these words? They seethed in Judas's soul.
'Here is my God — Messias, King of Kings,
Christus, the Lord — the Saviour of us all.
How long shall he be taunted and reviled,
And threatened by this crawling scum of men?
Oh, who shall urge the coming of that day
When he in majesty shall clothe himself
And stand before the astounded world its King?'
Long brooding over this inflamed his soul;
And, ever rash in schemes as wild in thought,
At last he said: 'No longer will I bear
This ignominy heaped upon my Lord.
No man hath power to harm the Almighty One.
Ay, let man's hand be lifted, then, at once,
Effulgent like the sun, swift like the sword,
The jagged lightning flashes from the cloud,
Shall he be manifest — the living God —
And prostrate all shall on the earth adore!'"

"This is a strange solution," here I cried.
"Find you a better, if you can," said he.
"I cannot. Taking all the facts in view,
Or rather the reports, the truth of which
I cannot vouch, — but, taking them as facts,
I see no other. Strange to you and me
Of course it seems, but not so strange to one
Like Judas, with a mind ideal half,
Enthusiastic, visionary, quick

To set ablaze, and yet half positive,
Fixed, practical, and ever prone to force
Mere dreams into the world of acts and facts.

"Others might think the words that Christus used
Were vague and wild: to Judas they seemed plain.
Christus was God, not man, and being such
Must of necessity desire the hour
When man should end, and God should be revealed.
Judas was sure he had divined this wish,
Sure that his own thought Christus had divined,
And sure, as Christus said, the hour had come.

"This is, at least, the only key I know
That fits the wards of that mysterious case."

Here let me interrupt this narrative
With comments of my own, and words, acts, facts,
Unknown to Lysias, testified by those
Who knew, loved, followed Christus, and, 'twould seem,
Thought him a sort of God. From their reports
I take the facts they state, the words they use,
Striving to find through this entangled maze,
The simple clew of truth, no more, no less.

"Divined his thought," says Lysias. Was his thought
So hidden that a sympathetic heart
Could not at once divine it? If to some,
Wanting the sense to apprehend, his words
Seemed riddles hard to guess, to me at least
The wonder seems that any could mistake,
So clearly, with such iterance, they were said.
"Divined his thought" What was there to divine?
What else could mean those sayings strange and strong,
So oft repeated? What, for instance, this?
"I to Jerusalem must go, and there
Be taken, suffer, and be slain, and then
I shall arise triumphant over all.
Then you shall see in glory and in power
The Son with all his Father's angels come."
And then it was, when Peter, answering back,

Rebuked him, saying, "Be it far from thee,
This shall not be unto thee," he, half vexed
To be thus thwarted in his wish, cried out,
"Get thee behind me, Satan, thou to me
Art an offense." And so again he said:
"I lay my life down, no man taketh it
Away from me. I lay it down myself,
As I have power to take it up again;
And I will lift up all the earth to me."
And yet again: "I go my way, but where
You cannot follow," — and at this his friends
Whispered, "What means this? Will he kill himself?"

* * * * * * * * *

Through all these later days
A spirit ruled him different from the old.
Whether he thought, in truth, that he was God,
And Death, or what to others seemed the end,
Was but the door through which from human life
He to a life divine should pass, and man
So become God and back to earth return
Triumphant, glorious, with angelic hosts, —
Or whether Death he deemed would quail and crouch,
And powerless at his presence drop its sword
And justify his claim to all the world, —
Whatever were his thoughts, he longed to try
The sharp conclusion, once for all, and prove
He was Messiah, God, the King of all.

* * * * * * * *

One thing is amply proved: that he alone,
When safe beyond the reach of enemies,
Ordained this journey to Jerusalem,
Alone decreed the time, place, circumstance,
Against his followers' wish when they should meet.
Why did he go, unless to brave his foes,
To court betrayal, and to seek his death?

But be this as it may, thither he went;
There in the house appointed met his friends,
There, knowing he was sought for by his foes,
Sat down with Judas and the rest to sup.

And as they supped, he said, "Among you here
Is one that shall betray me." At these words
Did all start up amazed, indignant, each
With horror struck, protesting, crying out?
Each questioning each? ah no! each simply said,
"Lord, is it I? Lord, is it I?" Yes, all!
Ay! every one of them cried, "Is it I?"
And he, "The one who dippeth in his sop
With mine into the dish, he is the one
That shall betray me." Judas in the dish
Then dipped his sop — or Christus gave it him,
And said, "Now go! and what thou hast to do,
Do quickly;" and then Judas rose and went.
But ere he rose and left them Christus said,
"Now shall the Son of Man be glorified!"
Strange words, that Judas well might think to mean
His Master should be glorified through him.

Here let us pause and look these simple facts
Full in the face. Either the act itself
Which Judas was to do was infamous,
Or simply right and justified by all.
Setting aside all question of mistake,
Which was it, that's the question, right or wrong?

What was betrayal? merely pointing out
The person of their leader, at such time,
Such place as he commanded; and what need
Even of this? He did not hide himself,
He was well known, he daily walked abroad
Attended by his followers, preached to crowds,
Healed those who sought his healing, openly,
Roundly denounced the scribes and Pharisees.
Avowed his doctrines and proclaimed his faith.
What need of Judas or of any one
To point him out, betray him as 'tis called?
All knew him and could take him when they pleased.
Betray, indeed! what was there to betray?
'Twas but the after tragedy alone
That threw a backward, lurid light on it
And made this act of Judas seem so vile.

Suppose the act was infamous, or, at least,
So deemed by any one among the twelve,
Is it not clear that none of them had cried,
"Lord, is it I?" What! every one of them
Imagined he might be the traitor meant
And do the very act that now the world
Brands as accursèd. No, impossible!
Else they were traitors every one of them,
Traitors in will and thought, if not in deed.

Plainly the act that Judas had to do,
Call it by any ugly name you will
(Names do not alter acts), to none of them
Seemed base, wrong, infamous as now 'tis held,
Or all alike were base, vile, infamous, —
Not Judas only, but the whole of them.

Suppose, again, they all were honest men,
Devoted to their leader heart and soul,
And Judas only vile; that they were shocked
At thought of such betrayal, how explain
Their questioning, "Is it I?" and how explain
Their after silence, with no word to him
Of stern remonstrance, friendly counsel, prayers
To stay his purpose; failing these, no hand
Lifted to hold him, stop him by main force?

Not only they did naught by word or act,
But Christus' self cried, "What thou hast to do,
Go and do quickly;" laying as it were
Commands upon him thus to go and act.

What! Christus urged him on, or let him go
To consummate an act of infamy
Without one warning word to hold him back?
It cannot be. This clearly seems to prove
He acted by command. He undertook
A duty laid upon him, no vile thought
Or wish impelling, — else had Christus sought
To save him, turn his mind away from crime,
Remonstrate with him, and not urge him on
To his destruction, as it seems he did.

Suppose, again, a band of men conjoined
For noble purposes and aims like these,
Or even a band of foul conspirators,
With murder in their minds, or what you will.
And suddenly their leader points them out
A traitor sitting with them. "There is he
Who will betray me." Would not all at once
Rise and cry out, remonstrate, threaten, pray,
Seek every means to break his purpose down,
And all these failing, with compelling strength
Seize him and bind him, force him to renounce
His plotted crime; ay, more, when all else failed
Slay him and save their leader by his death?
And he, the traitor, would not he cry out,
Protest, deny, declare, even though in fact
Traitor he meant to be, his innocence?

Ay! they were men of peace, preached love, I know,
Forgiveness; and to raise a stave, a sword,
Was in their estimation wrong. Why, then,
Went they out armed? Two swords at least they had,
And, later, Peter drew his sword and smote
The high priest's servant and cut off his ear.
He wore a sword, at least, and he could strike
When the occasion called, — this did not call.

They did not understand? a poor excuse!
The words were plain, and Judas understood.
How? why? he any more than they?
'Twould seem that every one among them there
Knew the intent of Christus, must have known
From all he said before, as well as then.
And, knowing it, approved it, or, at least,
Did not oppose it, but let Judas go.
They grieved, indeed! Why did they grieve? at what?
The act of Judas, or their Lord's resolve?

One moment more, when Judas had gone out,
Christus remained with all the rest, and then,
What said he to them? Did he once reprove
This contemplated crime of Judas? No!

Them he reproved, and said, "If me you loved
You would rejoice, because I said I go
Unto the Father. 'Tis expedient, too,
That I should go away, for otherwise
The Comforter will never come to you,
And he will glorify me when he comes."
And more he said, and every word implied
That death he courted, with determined mind.

Then they set forth to their accustomed place
Beyond the brook of Cedron, as agreed,
Decided, fixed upon, as Judas knew.
Had Christus then desired to avert his fate,
What easier? He had simply not to go
To the appointed spot. No one could force
His steps to take that path. But his own will
Was fixed; there he would go and only there;
Once only his high spirit seemed to fail,
When at Gethsemane, he prayed the cup
Might pass away from him; then strong again
He onward went with firm, unfaltering step.

* * * * * * * * *

"Judas," says Lysias, "when the rest he left,
Came straight to where I was with the high priests,
Not as a coward, stealing in to do
A dastard act, but with an open face,
And clear, bold voice, and said, 'Behold me here,
Judas, a follower of Christus! Come!
I will point out my master whom you seek!'
And out at once they sent me with my band:
And as we went, I said, rebuking him,
'How, Judas, is it you who thus betray
The Lord and Master whom you love, to death?'
And, smiling, then he answered, 'Fear you not;
Do you your duty; take no heed of me.'
'Is not this vile?' I said; 'I had not deemed
Such baseness in you.' 'Though it seem so now,'
Still smiling, he replied, 'wait till the end.'
Then turning round, as to himself he said,
'Now comes the hour that I have prayed to see, —
The hour of joy to all who know the truth.'

"'Is this man mad?' I thought, and looked at him;
And, in the darkness creeping swiftly on,
His face was glowing, almost shone, with light;
And rapt as if in visionary thought
He walked beside me, gazing at the sky.

"Passing at last beyond the Cedron brook,
We reached a garden, on whose open gate
Dark vines were loosely swinging. Here we paused,
And lifted up our torches, and behold
Against the blank white wall a shadowy group,
There waiting motionless, without a word:
A moment, and with rapid, nervous step,
Judas alone advanced, and as he reached
The tallest figure, lifted quick his head;
And crying, 'Master! Master!' kissed his cheek.
We, knowing it was Christus, forward pressed.
Malchus was at my side, when suddenly
A sword flashed out from one among them there,
And sheared his ear. At once our swords flashed out,
But Christus, lifting up his hand, said, 'Peace,
Sheathe thy sword, Peter — I must drink the cup.'
And I cried also, 'Peace, and sheathe your swords.'
Then on his arm I placed my hand, and said,
'In the law's name.' At this he turned and stood
A moment, mute, and then stretched forth his arms
Saying, as if to justify himself,
And show that Judas understood him right,
'Think'st thou, if I my Father now beseech,
Even now, he will not send to aid me more
Than legion twelve of angels? But, if so,
How should the Scriptures be fulfilled? I taught
Daily within the temple to you all,
And yet you took me not! This is your hour.
The cup my Father gives me I must drink.'

"We took him then and bound his hands with cords,
He offering no resistance to our will.
This done, I turned, but all the rest had fled,
And he alone was left to meet his fate.

"My men I ordered then to take and bear
Their prisoner to the city; and at once
They moved away. I, seeing not our guide,
Cried, 'Judas!' — but no answer; then a groan
So sad and deep it startled me. I turned,
And there, against the wall, with ghastly face,
And eyeballs starting in a frenzied glare,
As in a fit, lay Judas; his weak arms
Hung lifeless down, his mouth half open twitched.
His hands were clutched and clenched into his robes,
And now and then his breath heaved with a gasp.
Frightened, I dashed some water in his face,
Spoke to him, lifted him, and rubbed his hands.
At last the sense came back into his eyes,
Then with a sudden spasm fled again,
And to the ground he dropped. I searched him o'er,
Fearing some mortal wound, yet none I found.
Then with a gasp again the life returned,
And stayed, but still with strong convulsion twitched.
'Speak, Judas! speak!' I cried. 'What does this mean?'
No answer! 'Speak, man!' Then at last he groaned:
'Go, leave me! leave me, Lysias. O my God!
What have I done? O Christus! Master, Lord,
Forgive me, oh, forgive me!' Then a cry
Of agony that pierced me to the heart,
As groveling on the ground he turned away
And hid his face, and shuddered, in his robes.
Was this the man whose face an hour ago
Shone with a joy so strange? What means it all?
Is this a sudden madness? 'Speak!' I cried.
'What means this, Judas? Be a man and speak!'
Yet there he lay, and neither moved nor spoke.
I thought that he had fainted, till at last
Sudden he turned and grasped my arm, and cried,
'Say, Lysias, is this true, or am I mad?'
'What true?' I said. 'True that you seized the Lord!
You could not seize him — he is God the Lord!
I thought I saw you seize him. Yet I know
That was impossible, for he is God!
And yet you live — you live. He spared you, then.
Where am I? What has happened? A black cloud

Came o'er me when you laid your hands on him.
Where are they all? Where is he? Lysias, speak!'

"'Judas,' I said, 'what folly is all this?
Christus my men have bound and borne away;
The rest have fled. Rouse now and come with me!
My men await me, rouse yourself and come!'

"Throwing his arms up, in a fit he fell,
With a loud shriek that pierced the silent night.
I could not stay, but, calling instant aid,
We bore him quick to the adjacent house,
And placing him in kindly charge, I left,
Joining my men who stayed for me below.

* * * * * * * * *

"That night I saw not Judas. The next day,
Ghastly, clay-white, a shadow of a man,
With robes all soiled and torn, and tangled beard,
Into the chamber where the council sat
Came feebly staggering: scarce should I have known
'Twas Judas, with that haggard, blasted face;
So had that night's great horror altered him.
As one all blindly walking in a dream
He to the table came — against it leaned —
Glared wildly round awhile: then stretching forth
From his torn robes a trembling hand, flung down,
As 'twere a snake that stung him, a small purse,
That broke and scattered its white coins about,
And, with a shrill voice, cried, 'Take back the purse!
'Twas not for that foul dross I did the deed —
'Twas not for that — oh, horror! not for that!
But that I did believe he was the Lord;
And that he is the Lord I still believe.
But oh, the sin! — the sin! I have betrayed
The innocent blood, and I am lost! — am lost — '
So crying, round his face his robes he threw,
And blindly rushed away; and we, aghast,
Looked round, — and no one for a moment spoke.

"Seeing that face, I could not but fear the end;
For death was in it, looking through his eyes.

Nor could I follow to arrest the fate
That drove him madly on with scorpion whip.

"At last the duty of the day was done,
And night came on. Forth from the gates I went,
Anxious, and pained by many a dubious thought,
To seek for Judas, and to comfort him.
The sky was dark with heavy, lowering clouds;
A lifeless, stifling air weighed on the world;
A dreadful silence like a nightmare lay
Crouched on its bosom, waiting, grim and gray,
In horrible suspense of some dread thing.
A creeping sense of death, a sickening smell,
Infected the dull breathing of the wind.
A thrill of ghosts went by me now and then,
And made my flesh creep as I wandered on.
At last I came to where a cedar stretched
Its black arms out beneath a dusky rock,
And, passing through its shadow, all at once
I started; for against the dubious light
A dark and heavy mass, that to and fro
Swung slowly with its weight, before me grew.
A sick, dread sense came over me; I stopped —
I could not stir. A cold and clammy sweat
Oozed out all over me; and all my limbs,
Bending with tremulous weakness like a child's,
Gave way beneath me. Then a sense of shame
Aroused me. I advanced, stretched forth my hand,
And pushed the shapeless mass; and at my touch
It yielding swung, the branch above it creaked,
And back returning struck against my face.
A human body! Was it dead or not?
Swiftly my sword I drew and cut it down,
And on the sand all heavily it dropped.
I plucked the robes away, exposed the face —
'Twas Judas, as I feared, cold, stiff, and dead:
That suffering heart of his had ceased to beat."

* * * * * * * * *

Was he a villain lost to sense of shame?
Ay, so say John and Peter and the rest;
And yet — and yet this tale that Lysias tells

Weighs with me more the more I ponder it;
For thus I put it: either Judas was,
As John affirms, a villain and a thief,
A creature lost to shame and base at heart;
Or else, which is the view that Lysias takes,
He was a rash and visionary man,
Whose faith was firm, who had no thought of crime,
But whom a terrible mistake drove mad.

* * * * * * * * *

Again, how comes it that this wretch, whose heart
Is cased to shame, flings back the paltry bribe?
And, when he knows his master is condemned,
Rushes in horror out to seek his death?
Whose fingers pointed at him in the crowd?
Did all men flee his presence till he found
Life too intolerable? Nay, not so!
Death came too close upon the heels of crime.
He had but done what all his tribe deemed just:
All the great mass — I mean the upper class —
The Rabbis, all the Pharisees and Priests —
Ay, and the lower mob as well, who cried,
"Give us Barabbas! Christus to the cross!"
These men were all of them on Judas's side,
And Judas had done naught against the law.
Were he this villain, he had but to say,
"I followed Christus till I found at last
He aimed at power to overthrow the State.
I did the duty of an honest man.
I traitor! — you are traitors who reprove."
Besides, such villains scorn the world's reproof.

Or he might say: "You call this act a crime?
What crime was it to say I know this man?
I said no ill of him. If crime there be,
'Twas yours who doomed him unto death, not mine."

A villain was he? So Barabbas was!
But did Barabbas go and hang himself,
Weary of life, — the murderer and thief?
This coarse and vulgar way will never do.
Grant him a villain, all his acts must be

Acts of a villain; if you once admit
Remorse so bitter that it leads to death,
And death so instant on the heels of crime,
You grant a spirit sensitive to shame, —
So sensitive that life can yield no joys
To counterbalance one bad act; but then
A nature such as this, though led astray
When greatly tempted, is no thorough wretch.
Was the temptation great? Could such a bribe
Tempt such a nature to a crime like this?
I say, to me it simply seems absurd.

Peter at least was not so sensitive.
He cursed and swore, denying that he knew
Who the man Christus was; but after all
He only wept — he never hanged himself.

But take the other view that Lysias takes,
All is at once consistent, clear, complete.
Firm in the faith that Christus was his God,
The great Messiah sent to save the world,
He, seeking for a sign, — not for himself,
But to show proof to all that he was God, —
Conceived this plan, rash if you will, but grand.

"Thinking him man," he said, "mere mortal man,
They seek to seize him. I will make pretense
To take the public bribe and point him out,
And they shall go, all armed with swords and staves,
Strong with the power of law, to seize on him, —
And at their touch, he, God himself, shall stand
Revealed before them, and their swords shall drop,
And prostrate all before him shall adore,
And cry, 'Behold the Lord and King of all!' "
But when the soldiers laid their hands on him,
And bound him as they would a prisoner vile,
With taunts, and mockery, and threats of death, —
He all the while submitting, — then his dream
Burst into fragments with a crash; aghast
The whole world reeled before him; the dread truth
Swooped like a sea upon him, bearing down

His thoughts in wild confusion. He who dreamed
To unbar the gates of glory to his Lord,
Oped in their stead the prison's jarring door,
And saw above him his dim dream of Love
Change to a Fury stained with blood and crime.
And then a madness seized him, and remorse
With pangs of torture drove him down to death.

Conceive with me that sad and suffering heart,
If this be true that Lysias says — conceive!
Alas! Orestes, not so sad thy fate,
For thee Apollo pardoned, purified, —
Thy Furies were appeased, thy peace returned;
But Judas perished, tortured unto death,
Unpardoned, unappeased, unpurified.
And long as Christus shall be known of men
His name shall bear the brand of infamy,
The curse of generations still unborn.

—William Wetmore Story.

Rejoinder to "A Roman Lawyer"

CAIUS TO MARCUS

CAIUS, of Rome, a citizen and knight,
Greeting and wishes for good fortune sends
To Marcus, brother in rank and amity,
Absent from Rome, but not in Rome forgot.
Your letters had through Lucius have been read
And deeply pondered with a thoughtful mind.
I marvel not that in Judæa — in
That most mysterious land, of strange events
Whose import still in doubtful balance hangs
Within my mind — your thought has been absorbed,
Led captive by these things of which you write.
I, too, have noted with intentest ear
Such scattered details of the life and death

Of him called Christus, as, by word of mouth,
Through Paulus and the rest, have come to Rome.
You feared my laughter at your pensive scroll,
Discoursing naught but Christus or his tribe
And mainly given to Judas and his act.
Still, here in Rome those who believe on him
So many have become, and bold in speech,
That I with them some conference have held
On frequent opportunity; and thus,
Instructed in their creed, and by your notes,
Sent me through Lucius, further taught,
Am well prepared your arguments to weigh.
But my conclusions differ much from yours.
I willingly pass by, — with much mistrust
Which neither will affirm nor yet deny, —
The claim of Christus that he was a god
Or offspring of the Deity Supreme.
But on this point of Judas, Simon's son,
I am inclined adverse to cope with you.

Judas's Case stated

Thus you propose: That Judas, who betrayed
His Master unto death, and took the bribe
Offered therefor, did not the deed for gain,
Was not the traitor he is deemed by all;
But, with a trustful innocence of heart,
A faith firm fixed on Christus as a god,
Conceived that when frail men should lay their hands
With force upon the tenement of flesh
Wherein he thought omnipotence concealed,
Conflict 'twixt God and man must follow straight,
The blazing wrath of outraged Deity
At once burst forth, and in resistless sweep
Consume the rash, unthinking, vulgar crowd
Which dared with mortal touch profane a god;
Thus would the god be manifest to all,
The fondest wish of Judas' heart attained,
And all the unbelieving, scornful world
Struck dumb by this sublime catastrophe!

A Commentary Aside

I fear me, Marcus, your vivacious mind
Doth play too much with keen-imagined whims,
Clouding the fair, plain face of simple fact
With mists distilled from subtle reverie.
I well can call to mind how once in Rome
A flagrant criminal was hunted down
And brought in gyves before a magistrate.
In abject fear, the self-convicted knave
Would fain have fallen down, confessed the crime,
And undergone the lighter penalty.
But you, with instinct of the advocate,
Bade him, when aid he sought from you, to hold,
And well consider what extenuant things
Might be alleged in his defense; and thus,
With perfect honesty of thought and plea,
But with the ardor natural to you,
Urging in fervent words the innocence
Which you conceived your client's *motive* bore,
You slid the felon from the grasp of law,
And he went forth, not quite though near convinced
That public gratitude a statue owed
To him, for his most patient sufferance!

It seems this Judas was a silent man,
For little do we hear of speech of his;
And even in the crisis of his crime,
It was the kiss, the signal preconceived,
Which without words accomplished his intent,
And he but spoke one word, repeating it.
'Tis so with most conspirators — they act,
Not talk — or else they fail; 'tis only men
Of motives pure who will effusively
Discourse of their intents; and this should be
A quality of Judas' mind and life,
To make your fancy true to nature's law,
Which is that purity will court the light
And base designs the mask of silence seek.
Remember Julius' death; was't not Cassius,
Cassius the silent and malignant one,

Conceived the plot to right his private wrongs,
Preserving silence till the time was ripe,
While Brutus, who loved Cæsar well, but thought,
Misguided by this Cassius, that 'twas Rome
He struck for, deeply rued the fearful deed,
And well-nigh marred deep Cassius' well-laid plot
By uttering too loud his inward thoughts?

Res Gestæ

But pass we that: the facts of Judas' case
Are simply these: this man was one of those
Who learned at Christus' feet the precepts strange
Of that strange man — was chosen as a friend
And follower of his, and thus was bound
By all the ties of honor and good faith,
Which he in seeming faith and love assumed.
But certain orders of the State, incensed
At Christus' teachings, plotted for his death,
And sought to compass it by form of law.
Then Judas makes with Christus' foes a pact,
Agreeing for a certain sum in coin
To guide the armèd minions of the law
To Christus' haunts and point the Master out.
Both sides perform the stipulated terms;
Christus is seized; and Judas hangs himself,
First casting back the bribe of silver coin.

Caius's Conclusion

Here's a plain case of deepest turpitude —
A man to torture cruel and death betrayed
By one who owed him love and reverence;
The traitor in remorse destroys himself,
Acknowledging what you for him deny.
Alas! friend Marcus, what a pity 'tis
You were not there to stay his blood-stained hand,
Reason with him, acquit him to himself,
And turn him from the crime of suicide
To contemplation of his *good intents!*
But let us, point by point, review your scroll,

Wherein you deftly weave a web of gauze
To veil a portrait hideous and grim,
Limn'd by himself whom you essay to clear
From charges self-imposed and self-confessed.

The Argument Pro and Contra

Your friend, old Lysias, the centurion,
Who says that Judas was an honest man,
Relates that when "the Nazarene" was seized,
All the disciples fled, but Judas stayed, —
That Judas was the only one of all
Who dared to own himself a follower,
And that he rushed into the council hall,
Proclaiming Christus innocent of crime
And he himself a traitor to his Lord.
We must confess that Judas told the truth.
He did not flee, perhaps; but why should he?
Judas had naught to fear, and all the rest —
E'en Peter, whom old Lysias contemns —
While prompt to draw the sword for Christus' sake,
Forbore resistance at their Lord's command,
And went their way, as he had bade them do.
Deserve they censure for obeying his will?
Or Judas praise for what could risk him naught,
His part being played, his crime beyond recall?
'Twas weak in Peter to deny his Lord,
But Peter's weakness forms a lame excuse
For Judas' treason and apostasy.
Peter was strong when danger was at hand;
His was the only blow for Christus struck,
And when his Master said, "Peace, sheathe thy sword!"
Is't strange his ardor cooled, his faith relaxed?

Your friend makes claim that Judas was alone
In the belief that Christus was a god.
That's his opinion; but *we* know that all
Whom we have seen — poor Paulus and the rest —
Are firm in their delusion and have risked
All things most fearful to uphold their faith.
Since, now their Master, snatched by shameful death,

Is gone from them, they still believe on him,
We must suppose theirs was a strong belief,
Existing prior to their Master's death,
Surviving even all the stubborn facts
Which seem to argue that they must be wrong.
But grant that Judas did in fact believe;
Then is his guilt — his self-acknowledged act —
So reckless in its brazen wickedness,
Antagonizing Heaven and earth at once,
Casting a demon's curse and blasphemy
At Heaven itself — defying gods and men,
That he would defend the criminal
Had best, at once, of conscience case his client
And set him down a devil at the start —
Plead lack of jurisdiction in the court —
For men, who are by conscience led and ruled,
Form no tribunal fit to judge of fiends,
The Evil Principle exists by law
As fixed by Nature as the law of Good.
Call the "believing Judas," demon, then —
Evil incarnate is its own excuse.

But here your Lysias' woeful tale begins,
Showing this Judas a misguided saint,
Who, in the rash presumption of his zeal,
Conceived a train of fanciful designs
To place his Master in such desperate straits
That naught but instant aid from powers on high
(Which Judas thought his Master could command)
Would save him from the snares of mortal hate;
Precipitating thus a climax grand,
And instant vindication of his Lord.

But many things in Christus' daily speech
Preclude assumption of a point so vain.
His teaching was, if all accounts be true,
That earthly pomp and power were naught to him.
He said his kingdom was not of this world;
He said that there should be no sign vouchsafed
To men that he was God, save that the tomb,
When he had lain three days, would yield him up.

This he said many times; and further said,
"The hands of men shall kill the Son of Man,
But the third day he shall be raised again."
(But Judas hanged himself at once, you say —
He waited not for what you say he hoped;
And these strange words had been his best excuse.)
Again, he said, at least they say he said,
That the dread signs of his return to earth
Would be the paling of the sun and moon
And dire convulsions in the firmament,
All this he said when pressed by those he taught,
And placed the time of this sublime return
Beyond a course of years and strange events;
And Judas must have heard these words of his,
And, if as trustful as you say he was,
Could not have dreamed of controverting them
Or changing Destiny to suit a whim.
Christus had plainly said that after death
And till the final judgment day of all
He would be manifest to those alone
Who loved and trusted him — "not to the world!"
This last he said when *Judas* urged on him,
'Tis said, some pointed quibble keenly put.
Thus, then, I say: the ignominious death
Which Christus suffered at the hands of men
Being foretold to Judas and the rest,
'Tis not in reason to assume with you
That Judas' act was aught but what it seems.

Again: if Judas thought omnipotence
Would interfere and blast with lightning stroke
The strength of man put forth against a god,
What were his thoughts when Christus, scourged, reviled,
Was led away in bonds to meet his death?
If, as you say, he truly deemed himself
Appointed as a mortal instrument
Which should evoke the scathing bolts of Jove
To show the world that Christus was a god,
And if to this be pinned a heart-whole faith,
The woeful issue of the mad design
Must straight have cleared his clouded intellect,

Shown him it was no god he had betrayed,
But one in whom he had been much deceived.
In that case he would not have hanged himself.
His conscience would not have condemned his act,
And public odium pursued him not.
Men rush not forth to madly hang themselves
In self-accusing hate or deep remorse
Because, forsooth, the issue of those acts
Which they conceived their duty urged them to,
And which they thought commanded by the gods,
Has brought to death a man who played the god
But whom the test had failed to prove divine:
And Judas would have reasoned so, because
If he believed the gods would interfere,
And thought that Christus had so promised him,
His master's death gave him no further light
Save the sole proof that he had been a dupe.
You say that Judas straightway hanged himself.
This shows a deep remorse — but what of that?
'Tis only an acknowledgment of guilt, at best.
You call the bribe too small for such a crime,
And argue hence some motive wholly pure.
At any rate, it was, it seems, enough
To buy a potter's field; but still we know
That Judas took the bribe and did the deed,
And must have known what the result would be.
Besides, he needed not to take the bribe
To carry out this fancied plan of yours.
The Master's haunts were known; his enemies
Might seize on him by stealth whenever they would,
And doubtless offered bribes to test the faith
Of his small sect, or feel the public pulse.
Judas is stained because he took the bribe;
His expiation but condemns himself.

Suppose my soul poetical, my friend,
For so you are, a lawyer though you be:
And me, like you, enchanted by the spell
Which chains the dreamer's mind in Orient lands;
And drowsing 'neath an arbor's grateful shade,
Whose leafy shields, soft rustling in the breeze,

Ward off the fervent heat, and yet disclose,
Through pleasant vistas, parting now and then,
The shimmering waters of a summer sea;
And over all the hovering memory
Of strange events — pictures of empires gone,
And heroes' shades haunting the barren stage
Where once they strode in proud magnificence, —
And then this godlike Christus and his death —
All conjured to the pensive mind in dreams
Unfretted even by the glare of day,
In those lone solitudes where silence reigns;
Ensconce me thus, I say, and deem me poet —
Then might I share your reveries, my friend,
And image please to cleanse a world of crime,
Or follow you where'er your fancy led.
I am in Rome, and practical of mind;
You on Judæan soil, and half a poet.

Judas's True Defense

One thing I marvel at: and this it is —
That all of Christus' sect, with wrath so fierce,
Condemn this Judas with a single voice.
In pondering o'er this mystic tragedy, —
Its stately march through woe succeeding woe
Up to the culminating agony, —
The calm, majestic, godlike mien of him
Who moves the central figure of the scene; —
Above the tumult of the populace,
Above Iscariot's cold, impassive tones
Hailing his Lord that night by Cedron's brook,
Above the last, wild cry of Christus on the cross,
I hear the chorus, as in Œdipus,
Droning in low and measured monotone —
In weirdly mournful cadence, like a dirge —
The voice of Fate — the spirit of the piece.

Paulus and all the rest whom Christus taught,
And those in Rome who fix their faith on him,
Profess that ere the orb of earth was formed,
Ere man was made to sin and to be saved,

The plan divine of Christus' life and death
Was laid and fixed in all minutest points.
Had there not been a Judas to betray,
The whole divine decree were falsified.
What matters, then, the motive, pure or vile,
With which the gods inspired Iscariot?
Judas, like Christus, was foretold, they say;
And, while they abrogate his power of will,
They curse him roundly for his passive part.
I say he seems to me a traitor vile;
But did I credit all that Paulus says,
I would suspend my judgment on the case,
Nor curse Iscariot, lest I cursed the gods.
For, by the very tale that Paulus tells,
When Judas trembled o'er th' abyss of crime, —
Whate'er his better nature may have been
Or dread avoidance of the fearful depth, —
A messenger of ruthless destiny,
Dispatched from councils of the gods, came forth,
Griped him with hand of iron and hurled him down.

Enough of this. When next we meet in Rome,
Further discourse may more enlighten us
Upon the doubtful points in Christus' life —
A life whose grandeur more impresses me
Than I would care to own — save to a friend.
Adieu, friend Marcus! may a favoring gale
Soon waft you back to Rome and welcomes warm!

— W. P. Welch.

Lawyer and Child

HOW large was Alexander, father,
That parties designate
The historic gentleman as rather
Inordinately great?

Why, son, to speak with conscientious
Regard for history,
Waiving all claims, of course, to heights pretentious, —
About the size of me.

— James Whitcomb Riley.

The Mississippi Witness

YOAH HONAH, AN' DE JURY: Ef you'll listen, now, to me,
I's gwine to straighten up dis case jes like it ought to be.
Dis heah's a case ob stealin' hogs — a mighty ser'ous 'fense —
An' you'll know all about it, when I gibs my ebbydence.

Dis Peter Jones, de plainter, is a member ob de chu'ch,
But Thomas Green, de 'fender, goodness knows he's nuffin' much;
A lazy, triflin' nigger is dat berry Thomas Green —
Dese is de dif'rent parties you is called to jedge atween.

Now gib me stric' contention while I 'lucidates de fac';
Dere's two whole sides to eberty'ing, — de front one an' de back, —
What's dat de little lawyer say? To talk about de case?
Dat's jes what I wuz comin' to; you makes me lose de place.

Whar wuz I? Oh! I 'members; I wuz jes about to say,
I heered a disputation 'bout a p'int of law to-day;
'Bout how to turn State's ebbydence — dat's what dey's a dribin' at —
Now ain't it strange some niggers is so ignorant as dat?

Why, when you wants to turn it, you jes has to come to town,
An' fin' de Deestric Turner — he'll be somewhar loafin' 'roun' —
An' den sez you, "Mahsr Turner, sah, I zires my compliments;
I's come in town to see you, fur to turn State's ebbydence."

As soon's you tells him dat, he knows perzackly what you mean,
An' takes you to his office, whar he's got a big mersheen,
An' dar you cotches hol' de crank, an' den you turns away,
Untel at las' dar's somefin' clicks, an' den you's come to A.

"Is dat de letter ob de thing de feller done?" sez he;
Ef you sez no, you turns ag'in untel you comes to B;
An' so you keeps a-turnin', tell de right one gits aroun',
An' dar de Deestric Turner looks, an' dar de law is foun'.

An' den you gibs de fac's, an' den he reads the law to you,
An' axes you to 'vise him what you t'ink he ought to do;
An' den he say "good-mornin'," an' he gibs you fifty cents,
An' dat's de way you has to do to turn State's ebbydence.

Well, gemmen ob de jury, dis heah case is understood.
I doesn't *know* de hog wuz stole, but Peter's word is good.
He up an' sesso manfully, dout makin' any bones;
An' darfore, sahs, ef I wuz you, I t'ink I'd 'cide for Jones.

— IRWIN RUSSELL.

Seven Ages of the Lawyer

ALL the world's a court,
Where some are lawyers, and the rest are lawed;
And life's an action to which all are parties;
They get discharged and enter their appearance;
Their acts being seven ages.

First, then, the "*infant,*"
The *Joseph Junior* of the lecture room,
For whose untutored eye is drawn aside
The cumbrous drapery of words obscure,
To show the naked beauty of the truth;
Who constant cons the horn book of the law —
Smith's Leading Cases — wherein he is taught
By the *Six Carpenters* to nail the facts
And build with rule and saw a knowledge high
Of *trespass ab initio;* to learn
From *Scott & Shephard* the important art
Of throwing squibs to scorch his legal brethren
And blind them in the practice of their trade;
And lastly pick from out the poor sweep's case
Its germ of truth long hidden in the dust.

Next, *Simon Senior*, with his hasty step,
And mind well stuffed with legal provender
Of rules and usages and state reports;
Who deems his thesis an explosive bomb
That, when he's fired it off, will surely shatter
The many froward errors of the law, —
A nostrum for the cancer spots that gnaw
The breast of Justice 'neath her mantle fold;
Who dreams in him the soul of Webster dwells.
Tho' yet inglorious and to fame unknown;
Who pines impatient for the day to come
When he may like an eagle spread his wings
And mount to glory in the legal skies; —
And from his sheepskin get a golden fleece;
Whose moot-court case is a momentous thing,
Fraught with grave issues and the bays of fame;
There with a disputatious flood of words,
He beards the judge on points of evidence,
And *sweeps* with tongue persuasive all before him —
Unconscious that he uses borrowed *Brougham*.

Next, *Lewis Lawyer*, newly dubbed B.L.,
Who sighs like a furnace that is full of *Coke;*
Who wooes his coy, capricious mistress, Law,
That lightly holds him, playing fast and loose
With his devotion and his awkward suit;
Who idly drums upon the window pane,
While clients that were looked for never come.

Then next, *Charles Counselor*, adorned with scars
Won lawfully in midst of wordy wars;
The wily soldier of the legal field;
Followed by witnesses that swear strange oaths;
Jealous of others, ready and quick in quarrel,
Seeking to win a judgment even against
The *canon's* mouth; calling his rival "*brother*,"
But oftener *cozening* him.

Next, *Joseph Justice*,
Raised to the pleasant woolsack's high degree;
In awe-inspiring wig and sable gown,

With solemn verdict and an eye severe;
With fair round belly and his purse well lined.

Sixth age: the judge retired; at his club,
Taking his comfort in his easy-chair;
Mellow with many years and good old port;
Much given to speech and seasoned anecdote
And wit and repartee of bench and bar,
And graphic scenes of legal days gone by;
On whom prosperity and honor smile;
While time and he together play the rubber
Of life's long game of many tricks and suits.
* * * * * * * * *
Last scene of all: *old age*, and that grim goal,
Where Death, the sheriff, waits to serve the writ
Of summons to that higher record court,
Where all our deeds are filed and titles searched
By the impartial eye of the great Judge.
For him who's kept the sword of justice clean
And helped to make the bulwarks of the law
Fit for the sentinel tread of peace, for him
"No mere oblivion" waits, but being dead,
Yet will his voice in after ages speak
In code and valued volume of the law
And monuments of honor, to the mind.

— EDWARD A. U. VALENTINE.

Mercy and Justice

BUT Justice had no sooner Mercy seen
Smoothing the wrinkles of her father's brow,
But up she starts, and throws herself between:
As when a vapor from a moory slough,
Meeting with fresh Eöus, that but now
Open'd the world, which all in darkness lay,
Doth Heaven's bright face of his rays disarray,
And sads the smiling orient of the springing day.

She was a virgin of austere regard:
Not as the world esteems her, deaf and blind,

But as the eagle, that hath oft compared
Her eye with heaven's, so, and more brightly shined
Her lamping sight: for she the same could wind
Into the solid heart, and, with her ears,
The silence of the thought loud speaking hears,
And in one hand a pair of even scales she wears.

No riot of affection revel kept
Within her breast, but a still apathy
Possessed all her soul, which softly slept
Securely without tempest; no sad cry
Awakes her pity, but wronged Poverty,
Sending his eyes to heaven swimming in tears,
With hideous clamors ever struck her ears,
Whetting the blazing sword that in her hand she bears.

The winged lightning is her Mercury,
And round about her mighty thunders sound:
Impatient of himself lies pining by
Pale Sickness, with his kerchered head upwound,
And thousand noisome plagues attend her round.
But if her cloudy brow but once grow foul,
The flints do melt, and rocks to water roll,
And airy mountains shake, and frighted shadows howl.

Famine, and bloodless Care, and bloody War;
Want, and the want of knowledge how to use
Abundance; Age and Fear, that runs afar
Before his fellow, Grief, that aye pursues
His winged steps; for who would not refuse
Grief's company, a dull and raw-boned spright,
That lanks the cheeks, and pales the freshest sight,
Unbosoming the cheerful breast of all delight?

— Giles Fletcher.

The Lawyer's Hereafter

WHEN the legal fraternity, weary of breath,
Sought relief from terrestrial trials in death;
When they'd all had enough of contentions and strife,
Then, longing for peace, they signed a release
Of the bodies whereof they'd been tenants for life;
Whereupon, it is said, without further delay,
"Communis mors omnibus" took them away.
And when they were ready, each man in his place,
With a wild, ghostly cheer, they quitted this sphere,
And sailed through the star-sprinkled regions of space.
Never was seen such a motley throng,
With wigs so large, and with robes so long:
There were judges, solicitors, barons, and clerks,
Chief-Justices, authors of learned law works,
Reporters, attorneys of different degrees,
Lots of Q.C.'s, scores of C.B.'s,
And a numberless host of profound LL.B.'s.
Onward they sped with astonishing ease,
Till the earth and the moon looked the size of two peas.
But at last they emerged from the regions of night,
And splendor celestial burst full on their sight.
The omnibus stopped at the pearl-covered gate,
And all were well pleased — but I'm sorry to state
That when they alighted, their hopes were all blighted
By being informed they had not been invited,
And had to go elsewhere, as sure as fate;
While right in the gateway a glittering sentry
Waved a fiery sword, to resist tortious entry.
What a commotion was caused by the news!
Bacon, L.C., had a fit of the blues;
Littleton swore they had not had their dues
In being regarded like Turks or like Jews:
Clamors were heard on every hand;
Some of the band with a good deal of sand
Claimed estates-tail in the heavenly land.
"I' faith," exclaimed Coke, "this passeth a joke;
By my halidom, somebody's neck shall be broke!"

And he drew up a writ, just to make things completer,
Headed "Doe on demise of Lord Coke *vs.* Peter."
But when he walked up to the gate, it is said,
The guardian saint, as a means of restraint,
Just broke the sword "molliter" over his head.
Then the janitor poked his head out of the casement,
Exclaiming, "No room here; apply in the basement!
And with mutterings loud, the grumbling crowd
Remounted the wagon, while every one vowed
That so gross an injustice should not be allowed.
Then Death, on the box, with a skeleton grin,
Drove them out by the very same way they'd come in,
And putting the breaks on, for fear of a spill,
Whipped up his lean horses, and started down hill.
Straight downward they went, past the comets and stars,
Past Mercury, Jupiter, Venus, and Mars,
Lord Holt, with a frown, looking mournfully down,
Said to Hawkins, the author of "Pleas of the Crown,"
"Ne'er have you seen in your practice, I wis,
Such a case of descent by an heir-ship as this."
Soon, as they fell, a sulphurous smell
Announced their approach to the Devil's hotel;
They stopped at a door which presented this sign, —
"Apply at the office. Please get into line."
But ere they could even get down from the stage
A devil in red, with two horns on his head,
Delivered these sentiments, much to their rage:
"I'm sorry to hinder your further progression,
But really I can't let you into possession:
I'm under strict orders to take in no boarders
Who've ever engaged in the legal profession.
The fact is, my friends, this hotel is too small;
What in hell do you think we could do with you all?"
They were silent and dazed, and greatly amazed,
For they'd never expected the point would be raised.
Exclusion from heaven was certainly sad,
But this second repulse seemed a little too bad:
The Devil, they said, was evading in fact
Liability under the Inn-Keepers' Act.
But what should they do, and how should they begin it?
It was easy to see, by reflecting a minute,

As for heaven or hell, they were simply not in it.
At last they resolved, like the pigeon of old,
To find some retreat for the soles of their feet,
Paved neither with good resolutions nor gold.
So paying the driver the sum that they owed,
They promptly set out to secure an abode.
Whereabouts they discovered it, we do not know;
Nor how many years, 'mid hopes and fears,
They hunted the universe high and low:
But this is as certain as certain can be,
They at last became seised of a close in fee
Somewhere out in the distant sky;
And they dwell on high, as the years go by,
With never a care and never a sigh.
And oft at evening time, 'tis said,
When the lamps are lit and the board is spread,
They cheer the hours with genial mirth,
Recalling the days that they spent on earth.
Such a banquet is spread on the table of law
As never a mortal attorney saw:
Slabs of law-calf instead of veal,
Juicy fat cases served up on appeal,
Actions of trover, remainders over,
And an excellent digest to settle the meal.
They drink the best wine that there is to be had,
In liv'ry of seisin the servants are clad.
The food is served up on folio plates;
They sit on reports from the different courts,
Especially those from the Western States.
Three ladies enliven the jovial scene,
Whose names are right well known, I ween, —
Bar-maids, whose characters might be cleaner,
Miss Feasance, Miss Joinder, and coy Miss Demeanor.
Ever they live in perpetual bliss;
What happier end could destiny send
To an honest and painstaking lawyer than this?
And ever since then, when a lawyer dies,
And his soul passes on beyond the skies,
Come he from near or come he from far,
He's judged by the great immortal bar;
And if he is found without legal sin,

They open their circle and take him in;
But if he has lied, or even tried
To use false means to help his side,
He is cast adrift into empty space,
And never shall find a resting-place.

— E. W. Blake, Jr.

The Judicial Court of Venus

BUT since the case appeared so nice,
She thought it best to take advice.
The Muses, by the king's permission,
Though foes to love, attend the session,
And on the right hand took their places
In order; on the left, the Graces:
To whom she might her doubts propose
On all emergencies that rose.
The Muses oft were seen to frown;
The Graces, half ashamed, looked down;
And 'twas observed, there were but few
Of either sex among the crew,
Whom she or her assessors knew.
The goddess soon began to see
Things were not ripe for a decree;
And said she must consult her books,
The lovers' Fletas, Bractons, Cokes.
First to a dapper clerk she beckoned
To turn to Ovid, book the second:
She then referred them to a place
In Virgil, *vide* Dido's case:
As for Tibullus's reports,
They never passed for law in courts:
For Cowley's briefs, and pleas of Waller,
Still their authority was smaller.
There was on both sides much to say:
She'd hear the cause another day;
And so she did; and then a third;
She heard it — there she kept her word:
But, with rejoinders, or replies,
Long bills, and answers stuffed with lies,

Demur, imparlance, and essoign,
The parties ne'er could issue join:
For sixteen years the cause was spun,
And then stood where it first begun.

— JONATHAN SWIFT.

Lickbarrow *v.* Mason

(I Sm. L. C. 737. — Temp. 1786–1793.)

THE story told in the old Term Reports
Of Mason and Lickbarrow, and the right
To stop in transit goods, unpaid for, sold
To an insolvent; and when nights are long
Read by each student lovingly with care
Ere yet he girds him for his Final day.

For Freeman, as beside the Hasingvliet —
Fairest of all fair waterways that thread,
By street and bridge, the town of Rotterdam,
Where land and water meet, and every spire
Lies deep reflected in the waves beneath —
He paced, half lost in meditative mood,
Spoke thus to Turings: "Lo! the summer wanes;
The corn that waved so fairly, while the Sun
Stood at his zenith, lies within your barns.
Send me a cargo; send it me, I pray,
There where the Royal Liver makes her nest,
At Liverpool, beyond the Northern Sea,
And I will pay you by acceptances."

Then Turings, hearing, did as he was prayed,
And through the northern water the white spray
Foamed and dashed high in air. Yet, ere he went,
Sang Holmes, the bravest of all knights who stood
Upon the vessel's deck, and Captain called,
And loud his voice and cheery. Thus he sang:

"Four bills of lading I have signed to-day;
Three bills of lading soon have passed away,
For Turings has them; three and one are four.

"One bill of lading still do I retain;
One I shall have when the good ship shall gain
Her distant port; and three and one are four."

Then, as they sailed, did Turings take the bills;
And two he gave to Freeman, who with joy
Received them, nor by him to be outdone
In knightly courtesy, he turned and gave
Bills of exchange to Turings for the price.
So the days passed, and the moon waxed and waned,
And the August days grew shorter, and the barge
Yet sailed apace. But Freeman meanwhile sold
To Lickbarrow of Liverpool his corn,
The corn that lay within the vessel's hold,
And sent his bills of lading, and assigned
Them duly over, and Lickbarrow paid
His price. But Freeman, ill at ease, and grave
With many cares, and bearing now the pain
Of former loss, was bankrupt. Turings heard
And shuddered; his acceptances as yet
Were not matured, and lost was this his wealth.
Yet rallying, as becomes a noble knight,
Wise in the tent as valiant in the field,
He seized the bill of lading he retained,
And sent it in hot haste to England's shore,
To Liverpool, to Mason; and he said:
"My hour of need is come; friend, be my friend
In this my travail. Get ye down with speed
To where the water beats upon the land,
And oozes black by the far stretching quays,
And where ye see the fair *Endeavor* lie,
There haste ye. Take the corn she groaning bears —
My corn it is — and sell it; yet unpaid
Am I; and send the money ye acquire."
And Mason, ever faithful to his charge,
Stayed not to question, did as Turings bid.
Then said Sir Holmes, seeing in Mason's hand
The bill of lading, "Sir, so let it be
As ye would have it. I have done my deed,
Do ye what resteth." So he gave the corn,
And Mason took, and sold it, in despite

Of Lickbarrow, who, turning, strove and cried:
"Wrong, bitter wrong and foul despite ye do,
As though the land were kingless, or as though
Rough Might ruled o'er us. Sirs, the corn was mine;
Justly I bought it, and the price I paid.
Give it, I pray you, that our strife may cease.
Yet — if ye will not — let us to the hall
Where, by his minster of the West, the King
Sits to right wrong, with him who meetly wears
The Ermine of the Lord Chief Justiceship."
But Mason answered: "Sir, ye waste your words;
The corn is Turings'. Freeman, when he sold
And sent you bills of lading, had not paid
The price he promised. Bankrupt now is he,
And since I stopped it, lo! the corn was mine."

Then on a day when, in due order ranged,
The judges, following their custom, sat
To hear the plaints of those who suffer wrong,
In the great hall, where the dim light beat through
And many-colored panes, the knights drew near
And cried for Justice. And when all was told
Stood one grave judge before the rest and sang:

"This is the song, the Song of Ashurst, J.,
Let him who will, J. Ashurst's song gainsay;
He errs in counsel. Lo! I sing the law.

"Dear is the right to stop *in transitu*
The goods unpaid for, when the seller knew
The buyer bankrupt. List! I sing the law.

"Yet, if before the goods the seller takes,
The purchaser a due assignment makes,
No right remaineth. Lo! I sing the law.

"This corn Lickbarrow from yon Freeman bought;
Justly he claimed the goods; and true he ought
To have them rendered. I have sung the law."

Thus ceased he, and the murmured plaudits rose
As, for the plaintiff finding, he resumed

His seat august. Then slowly from the hall
The people passed away, and darkness fell
Upon them with the night; and the gray mists
Rose from the river, and the land was still.

— JOHN POPPLESTONE.

The Charge of the Lightning Judge

UP from the bench the other day,
Bringing to *Stenos* fresh dismay,
As he thought of his failures oft before,
Rose the Lightning Judge to *charge* once more.
The air was warm and the hour was late,
And the judge started off at a rapid rate,
And soon was going like the wind
With *Stenos* fifteen words behind.

And faster still from that swift tongue rolled
The words, like a torrent uncontrolled;
Till through the court room seemed to pour
Two hundred words a minute, or more;
And there in the shade of the waning light,
Shoving his quill with all his might,
With lip compressed, to his desk inclined,
Sat *Stenos*, twenty words behind.

Then swift from his pen the dashes flowed,
Like chicken tracks in a muddy road,
And as he thought of the terrible need,
He scratched away with his utmost speed.
But soon o'er his face came a pleasant smile,
As he began to catch the judge's *style*.
And as phrase and sign-word came to mind,
He soon was scarce ten words behind.

The first that came into his head were groups
Of hooks and circles, and then the loops,
Now a phrase brings him up close, or perchance
Carries him two or three words in advance.

And so page after page, away he sped,
Sometimes behind, and sometimes ahead,
And when they reached the end, — do you mind?
The *Judge* was fifteen words behind.

— Ray Porter.

Sonnet CXXXIV

SO now I have confessed that he is thine,
And I myself am mortgaged to thy will;
Myself I'll forfeit, so that other mine
Thou wilt restore, to be my comfort still;
But thou wilt not, nor he will not be free,
For thou art covetous, and he is kind;
He learn'd but, surety-like, to write for me,
Under that bond that him as fast doth bind.
The *statue* of thy beauty thou wilt take,
Thou usurer, that put'st forth all to use,
And sue a friend, came debtor for my sake;
So him I lose through my unkind abuse.
Him have I lost; thou hast both him and me;
He pays the whole, and yet am I not free.

— William Shakespeare.

Epitaph on a Lawyer

THIS lawyer died! How brief is life!
And with a solemn face,
The undertaker gravely said:
"Lie still and try *my* case."

— Mrs. George Archibald.

Dennis's Case[1]

A CREDITOR who clung to every claim,
Keen for his debts as Shylock late of Venice,
Once sued a debtor whose unlucky name
Was Dennis.

And when upon the contract suit he'd licked him,
And on a debtor's hearing had him bested,
He took a precept out and had his victim
Arrested.

Dennis applied for the Poor Debtor's Oath,
His countenance with pearls of woe bedizened:
The court found "fraud" and had him (very loath)
Imprisoned.

And shut him up behind an iron grating
And gave him thirty days by way of sentence, —
An ample term — it seemed — for cultivating
Repentance.

When thirty weary days had worn away,
Dennis addressed his jailer, "Am I through, sir?"
And felt surprised to hear that worthy say,
"*Not you*, sir!

"Debtors for *fraud* and *contumacy* both
Must stay in jail (the Statute leaves no doubt of it)
Until they can, by offering the oath,
Get out of it.[2]

"Further enacted, that whenever he
(The Debtor Poor) shall be of *fraud* convicted,
Forever from that oath that must be
Restricted!"[3]

It seemed the Legislature was to blame, —
The act produced a consequence infernal,
Whereby poor Dennis' punishment became
Eternal.

[1] 110 Mass. 18. [2] G. S. 124, § 14. [3] G. S. 124, § 34.

For years poor Dennis could not be extracted,
For years the Creditor, obliged to feed him,
Paid for his board: a law was then enacted
That freed him.[1]

Yet still we celebrate his woful fame,
And when inevitable sorrows menace
Some luckless wight, men whisper that "His name
Is Dennis!"

— Francis Dana.

At the Buckingham Sessions

YESTERDAY, at the sessions held in Buckingham,
The Reverend Simon Shutwood, famed for tucking ham
And capon into his appointed maw,
Gravely discust a dreadful breach of law,
And then committed to the county jail
(After a patient hearing) William Flail;
For that he, Flail, one day last week,
Was seen maliciously to sneak
And bend his body by the fence
Of his own garden, and from thence
Abstract, out of a noose, a hare,
Which he unlawfully found there;
Against the peace (as may be seen
In Burn and Blackstone) of the queen.

He, questioned thereupon, in short
Could give no better reason for't,
Than that his little boys and he
Did often in the morning see
Said hare and sundry other hares
Nibbling on certain herbs of theirs,
Teddy, the seventh of the boys,
Counted twelve rows, fine young savoys,
Bit to the ground by them, and out
Of ne'er a plant a leaf to sprout:

[1] St. 1872, c. 281, §§ 2 and 3.

And Sam, the youngest lad, did think
He saw a couple at a pink.

"Come," cried the reverend, "come, confess!"
Flail answered, "I will do no less.
Puss we did catch; puss we did eat;
It was her turn to give the treat.
Not over much was there for eight o' us
With a half gallon o' potatoes:
Eight; for our Sue lay sick a-bed,
And poor dear Bessy with the dead."

"We cannot listen to such idle words,"
The reverend said. "The hares are all my lord's.
Have you no more, my honest friend, to say
Why we should not commit you, and straightway?"

Whereat Will Flail
Grew deadly pale,
And cried, "If you are so severe on me,
An ignorant man, and poor as poor can be,
O Mister Shutwood! what would you have done
If you had caught God's blessed only Son,
When he broke off (in land not his, they say)
That ear of barley on the Sabbath day?
Sweet Jesus! in the prison he had died,
And never for our sins been crucified."

With the least gouty of two doeskin feet
The reverend stampt, then cried in righteous heat,
"Constable! take that man downstairs,
He quotes the Scriptures and eats hares."

—Walter Savage Landor.

His Will

A BOHEMIAN TESTAMENT

RESOLVED this night to die without regret,
By deadly poisons I contrived to get
On trust from an apothecary's boy;
I think that I can well my time employ
Before I perish in my discontent,
By scribbling down my will and testament.
Therefore, I, sound and sane of mind, do say,
That, Monte-Cristolike, I give away
All that to-night I lawfully possess,
And that is very little, I confess.

My diamond ring, gold set, of sterling weight,
Unto my love I cheerfully donate;
But as that article is up the spout
Her faultless hand, I fear, must go without
Its dazzling coruscations, 'less she choose
To get it from the meanest of all Jews.
If so, the crumpled ticket she will find
Hid in the third slat of the unhinged blind!

When I, serene and beautiful, lie dead
Upon my pillowless old feather bed,
Let no one ever carelessly assert
The right to touch the lace upon my shirt!
This I bequeath to the ideal chum
Who told me that from Flanders it did come,
Purchased in Mechlin, very rare and old;
While I, who never have been badly sold,
Know well he bought it in this happy land,
Far down the Bowery, and at second hand!

My costly wardrobe, linen, shoes, and hats,
Beau Brummel scarfs and elegant cravats,
I hereby give, although it draws my tears,
To be sold off by sordid auctioneers:

And if the lot brings in a dollar bill,
(This is my testament and codicil)
Let it be given, firmly I adjure,
Unto the hungry hosts of suffering poor!

My colored meerschaum pipe, I hope my heirs
Will hand unto the poor old man downstairs,
Who doffed his hat to me the other day.
I know he made an error, but I say,
Give him my darling pipe for love and law —
It has a broken stem and will not draw.

I also offer ten original plays,
Written in bygone, glad Bohemian days,
Unto the friend who said, "They are a treat,
But with Sardou you never can compete;
You lack the fervor of a Dumas fils;
Why not leave luckless managers in peace?
Renounce, I beg, these crazy six-act things,
And spare the public many sufferings!"
To him, who, having all my essence sapped,
Would hurry home my fancies to adapt,
I leave these plays beyond all further claim;
They now are famous, under his own name!

Hoping my landlord's cultured taste to suit,
I leave to him my best enameled flute;
One of the many thousand, I may state,
Once played upon by Frederick the Great;
And to his child, and likewise to its nurse,
I leave my harrowing and my withering curse.

My sudden death will make that landlord moan,
For in this city I have lived unknown;
I have no relatives, nor have I had
A single friend to make existence glad,
Except himself, and he I know will pay
The men who drag my beauteous form away.
I ask him not to lavish gaudy flowers
Upon my coffin, or place Chinese bowers
Of radiant roses round my jasper tomb;
All that averts the horror of death's gloom,

Is now to positively know, that he
Will be compelled by law to bury me!

This document, arranged with legal skill,
Is, as I said, my testament and will;
The awful poison on the table stands;
I touch it with my white and ringless hands;
Although they shake, I feel that I am bold,
And death for me no pain or shame can hold;
But now that I such fortitude have shown,
This fearful suicide I will postpone;
And as my room seems very dark and drear,
I think I'll toddle out and take a beer!

— Francis Saltus Saltus.

Professions — Law

["The Borough"]

LAW shall I sing, or what to Law belongs?
Alas! there may be danger in such songs;
A foolish rhyme, 'tis said, a trifling thing,
The law found treason, for it touched the King.
But kings have mercy, in these happy times,
Or surely *One* had suffered for his rhymes;
Our glorious Edwards and our Henrys bold,
So touched, had kept the reprobate in hold;
But he escaped, — nor fear, thank Heav'n, have I,
Who love my king, for such offense to die.
But I am taught the danger would be much,
If these poor lines should one *attorney* touch —
(One of those *Limbs* of Law who're always here;
The *Heads* come down to guide them twice a year).
I might not swing, indeed, but he in sport
Would whip a rhymer on from court to court;
Stop him in each, and make him pay for all
The long proceedings in that dreaded Hall: —
Then let my numbers flow discreetly on,
Warned by the fate of luckless Coddrington,
Lest some *attorney* (pardon me the name)
Should wound a poor *solicitor* for fame.

One Man of Law in George the Second's reign
Was all our frugal fathers would maintain;
He, too, was kept for forms; a man of peace,
To frame a contract, or to draw a lease:
He had a clerk, with whom he used to write
All the day long, with whom he drank at night;
Spare was his visage, moderate his bill,
And he so kind, men doubted of his skill.

Who thinks of this, with some amazement sees,
For one so poor, three flourishing at ease;
Nay, one in splendor! — see that mansion tall,
That lofty door, the far-resounding hall;
Well-furnished rooms, plate shining on the board,
Gay liveried lads, and cellar proudly stored:
Then say how comes it that such fortunes crown
These sons of strife, these terrors of the town?

Lo! that small Office! there th' incautious guest
Goes blindfold in, and that maintains the rest;
There, in his web, th' observant spider lies,
And peers about for fat, intruding flies;
Doubtful at first, he hears the distant hum,
And feels them flutt'ring as they nearer come;
They buzz and blink, and doubtfully they tread
On the strong bird-lime of the utmost thread;
But when they're once entangled by the gin,
With what an eager clasp he draws them in;
Nor shall they 'scape, till after long delay,
And all that sweetens life is drawn away.

"Nay, this," you cry, "is commonplace, the tale
Of petty tradesmen o'er their evening ale;
There are who, living by the legal pen,
Are held in honor, — 'honorable men.'"

Doubtless — there are who hold manorial courts,
Or whom the trust of powerful friends supports;
Or who, by laboring through a length of time,
Have picked their way, unsullied by a crime.
These are the few. — In this, in every place,
Fix the litigious rupture-stirring race;
Who to contention as to trade are led,
To whom dispute and strife are bliss and bread.

There is a doubtful Pauper, and we think

'Tis not with us to give him meat and drink;
There is a Child; and 'tis not mighty clear
Whether the mother lived with us a year:
A Road's indicted, and our seniors doubt
If in our proper boundary or without:
But what says our Attorney? He, our friend,
Tells us 'tis just and manly to contend.

"What! to a neighboring parish yield your cause,
While you have money, and the nation laws?
What! lose without a trial, that which, tried,
May — nay, it must — be given on our side?
All men of spirit would contend; such men
Than lose a pound would rather hazard ten.
What! be imposed on? No! a British soul
Despises imposition, hates control;
The law is open; let them, if they dare,
Support their cause; the Borough need not spare:
All I advise is vigor and good-will:
Is it agreed, then? — Shall I file a bill?"

The trader, grazier, merchant, priest, and all,
Whose sons aspiring, to Professions call,
Choose from their lads some bold and subtle boy,
And judge him fitted for this grave employ:
Him a keen old practitioner admits,
To write five years and exercise his wits:
The youth has heard — it is in fact his creed —
Mankind dispute, that Lawyers may be fee'd;
Jails, bailiffs, writs, all terms and threats of law,
Grow now familiar as once top and taw;
Rage, hatred, fear, the mind's severer ills,
All bring employment, all augment his bills:
As feels the surgeon for the mangled limb,
The mangled mind is but a job for him;
Thus taught to think, these legal reasoners draw
Morals and maxims from their views of Law;
They cease to judge by precepts taught in schools
By man's plain sense or by religious rules;
No! nor by law itself, in truth discerned,
But as its statutes may be warped and turned:
How they should judge of man; his word and deed,
They in their books and not their bosoms read:

Of some good act you speak with just applause,
"No, no!" says he, "'twould be a losing cause."
Blame you some tyrant's deed? — he answers, "Nay,
He'll get a verdict; heed you what you say."
Thus to conclusions from examples led,
The heart resigns all judgment to the head;
Law, law alone forever kept in view,
His measures guides, and rules his conscience too;
Of ten commandments, he confesses three
Are yet in force, and tells you which they be,
As Law instructs him, thus: "Your neighbor's wife
You must not take, his chattels, nor his life;
Break these decrees, for damage you must pay;
These you must reverence, and the rest — you may."

— George Crabbe.

The Lament of Littleton Coke, Esq.

THERE was a time in youthful days,
Poetic fancy thrilled my mind,
But surely Blackstone came my ways,
And rippling lays are left behind.

No more I tune the answering lyre,
I sing of scenes of love no more;
But use my old poetic fire
To warm the bones of legal lore.

The eloquence with which I once
Discoursed of mountain, vale, and stream,
I use to wake some sleepy dunce
Of juror from his noonday dream.

The midnight oil I once did burn,
While pleading in poetic courts,
Now serves a much more useful turn
Illumining dull law reports.

— George Huddleston.

In Chambers

THERE now, he's coming, tramp, tramp, tramp!
Those seventy-two accursed stairs!
Certain and slow, I know the scamp,
And in a minute (if my prayers
Cannot prevent) — it's too late now —
He's at it; kicking round the scraper:
O God! And *must* I suffer so
To get a clammy paper?

Ah well, ah well! One day I know
(I've watched and waited two years now)
A lighter foot, with step less slow,
Will touch the stair, and then somehow
I shall be certain as the day
That *that* quick step is not to stop
Like all the rest (confound the fop!)
Down there at Jones's, just half way.

"I shall be by the fire suppose," —
With my Chaucer in hand, as beseemeth youth,
And the smoke will be curling about my nose
As I dream, in veriest truth,
That Law is no more, and the Junior Bar
In Courts of Love all hold a brief,
And the fairest of witnesses flock from afar
To debate of the "Flower and the Leaf."

And then, ah then, on the wind-swept stair
Of this drear old Temple a voice will be heard!
The rush of a dress, the thrill of an air,
The scent of a rose, and the note of a bird!
And then, ah then! The book will fly,
Dear grand old bard at thy grand old bust;
And I shall be there in the wink of an eye —
She's *coming*, you gibbering fool! — she *must*.

So you needn't sit there, with your world-wise air,
And prattle Propriety out of a book.

"No lady would sing on a public stair?
You *ass!* *My* girl sings *every*where!
And is *coming*, by hook or by crook!
You grinning old reprobate! Stop your tum tum —
"No lady" — hang ladies! *Mine* will not be long.
I know not her face, but I know she will come!
A flutter, a rush, a scent, and a song.

— ERNEST RADFORD.

Hans and Fritz

HANS and Fritz were two Deutschers who lived side by side,
Remote from the world, its deceit and its pride:
With their pretzels and beer the spare moments were spent,
And the fruits of their labor were peace and content.

Hans purchased a horse of a neighbor one day,
And, lacking a part of the *Geld*, — as they say, —
Made a call upon Fritz to solicit a loan
To help him to pay for his beautiful roan.

Fritz kindly consented the money to lend,
And gave the required amount to his friend;
Remarking, — his own simple language to quote, —
"Berhaps it vas bedder ve make us a note."

The note was drawn up in their primitive way, —
"I, Hans, gets from Fritz feefty tollars to-day;"
When the question arose, the note being made,
"Vich von holds dot baper until it vas baid?"

"You geeps dot," says Fritz, "und den you vill know
You owes me dot money." Says Hans, "Dot ish so;
Dot makes me remempers I haf dot to bay,
Und I prings you der note und der money some day."

A month had expired, when Hans, as agreed,
Paid back the amount, and from debt he was freed.

Says Fritz, "Now dot settles us." Hans replies, "Yaw:
Now who dakes dot paper accordings by law?"

"I geeps dot now, aind't it?" says Fritz; "den, you see,
I alvays remempers you baid dot to me."
Says Hans, "Dot ish so: it vas now shust so blain,
Dot I knows vot to do ven I porrows again."

— Charles Follen Adams.

On Craven Street, Strand

IN Craven Street, Strand, ten attorneys find place,
And ten dark coal barges are moored at the base:
Fly, Honesty, fly, to some safer retreat;
There's *craft* in the river and *craft* in the street.

— James Smith.

Reply to the Above

WHY should Honesty seek any safer retreat
From the lawyers or barges, odd-rot 'em?
For the lawyers are *just* at the top of the street,
And the barges are *just* at the bottom!

— Sir George Rose.

Hobson's Choice

A THIEF on his trial refused to be sworn.
"Of what use," queried he, "will my evidence be?
If I tell the whole truth, I shall get the Old Nick;
If I tell what's not true, the Old Nick will get *me*."

— Francis E. Leupp.

A Fourteenth Century Lawyer

A SERGEANT OF THE LAWE, war and wys,
That often hadde been at the parvys,
Ther was also, ful riche of excellence.
Discreet he was, and of greet reverence:
He semed swich, his wordes weren so wyse.
Justyce he was ful often in assyse,
By patente, and by pleyn commissioun;
For his science, and for his heigh renoun
Of fees and robes hadde he many oon.
So greet a purchasour was no-wher noon.
Al was fee simple to him in effect,
His purchasing mighte nat been infect.
No-wher so bisy a man as he ther nas,
And yet he semed bisier than he was.
In termes hadde he caas and domes alle,
That from the tyme of king William were falle.
Therto he coude endyte, and make a thing,
Ther coude no wight pinche at his wryting;
And every statut coude he pleyn by rote.
He rood but hoomly in a medlee cote
Girt with a ceint of silk, with barres smale;
Of his array telle I no lenger tale.

— Geoffrey Chaucer.

The Six Carpenters' Case

(1 Smith, L. C. 133, 7th ed.)

THIS case befell at four of the clock
(now listeneth what I shall say),
and the year was the seventh of James the First,
on a fine September day.
The birds on the bough sing loud and sing low,
what trespass shall be *ab initio*.

It was Thomas Newman and five his feres
(three more would have made them nine),
and they entered into John Vaux's house,
that had the Queen's Head to sign.
The birds on the bough sing loud and sing low,
what trespass shall be *ab initio*.

They called anon for a quart of wine
(they were carpenters all by trade),
and they drank about till they drank it out,
and when they had drunk they paid.
The birds on the bough sing loud and sing low,
what trespass shall be *ab initio*.

On spake this word in John Ridding's ear
(white manchets are sweet and fine):
"Fair sir, we are fain of a penn'orth of bread
and another quart of wine."
The birds on the bough sing loud and sing low,
what trespass shall be *ab initio*.

Full lightly thereof they did eat and drink
(to drink is iwis no blame).
"Now tell me eight pennies," quoth Master Vaux;
but they would not pay the same.
The birds on the bough sing loud and sing low,
what trespass shall be *ab initio*.

"Ye have trespassed with force and arms, ye knaves
(the six be too strong for me),
but your tortious entry shall cost you dear,
and that the King's Court shall see.
The birds on the bough sing loud and naught low,
your trespass was wrought *ab initio*."

Sed per totam curiam 'twas well resolved
(note, reader, this difference)
that in mere not doing no trespass is,
and John Vaux went empty thence.
The birds on the bough sing loud and sing low,
no trespass was here *ab initio*.

—Sir Frederick Pollock.

General Average

A SOUTH STREET ECLOGUE

THE fair reader, or gentle, as her eye, or his,
Strikes these lines, will please pause, while this query I press —
Do you know what a General Average *is?*
If you do, skip the next twenty lines, more or less —
A brief legal "opening," in which I intend
All the light I can shed very freely to lend
On a subject all *Skippers* must needs comprehend.

Some things we all dread, and not least among these
The dangers and perils and risks of the seas;
Since the hour Sinbad first scared slumber away,
To the last Marine list, just published to-day,
Insatiable Ocean has ceased not to vex
Our lives with his storms and disasters and wrecks;
As truly this moment as when Horace penned
His ode to his outward-bound, sea-going friend,
All voyages are ventures, each good ship that sails
The toy of the tempest, the sport of the gales;
Still Africus, Eurus, and Notus will blow
Through the cleft thunder cloud, or whirlwind of snow;
Round ancient Charybdis the breakers still roar,
And wave chases wave to some wreck-sprinkled shore.
Thus, circled with perils, ship, cargo, and freight,
Involved in one common adventure and fate,
When disaster befall, 'tis equal and fair
That all the full burden of rescue should bear,
Each paying its just and proportionate share,
Which joint contribution, on this equal scale,
Is called "General Average," whence hangs our tale.

In South Street, or near it, as all men must know,
Dealt and dwelt — it is not a great while ago —
The great house of Mercator, Princeps & Co.,
Herculean pillars of credit and trade,
Whose ships and commissions their fortune had made,

Whose names Commerce wrote on her earliest page,
In her pre-*Alabama*, palmier age,
And still led the list of the wealthiest firms,
Gazetted full oft in those flattering terms,
"Our highly respected," "well-known," "influential,"
Whereby, as a species of world-wide credential,
The freest of Presses so fondly evinces
The trust which it puts in all Merchant Princes,
Mercator the senior, in name, and in fact,
If gray hairs must count, but in shrewdness and tact,
The trader's twin levers, less thoroughly versed
Than Princeps, our hero, long-headed, long-pursed,
Born merchant, self-made, and rough-natured, but then
Worn smooth by long contact and friction with men;
As sharp as the winds of his native Down East,
In large matters liberal, but close in the least;
His heart, like his house door, barred tight, double locked,
Yet thrown open wide to the first friend who knocked;
A rough diamond, you say, yes, could we but plan it,
That diamonds, instead of pure carbon, were granite;
Thus lavish, yet close, in his life's complex plan,
His own coastwise steamers resembled the man —
Capacious, well-timbered, and sound to the core,
Fit to sail the broad seas, yet hugging the shore!

Enter Princeps one day, brisk, eager for work —
To whom, pen in hand, rushes Balance, chief clerk,
His sheet full of figures, his face full of doubt,
A man in a maze, with no clew to get out.
"There is trouble, sir, here, in this Average case;
For once, we are caught in a rather tight place.
It is now, as you know, some six weeks or more
Our steamer *Spread Eagle* that night went ashore
On Far Rockaway beach, and up to this day
No adjustment is reached, the cause of delay
A couple of cases — just two and no other —
Consigned, it appears, to one Moses & Brother.
According to usage, each owner should state
What his shipment is worth, at fair market rate,
Sign the Average bond, which binds him to bear
Of the loss, when adjusted, his ascertained share,

Pay freight, take his goods, and so end the affair.
This, all, with the single exception I named
Of Moses & Brother, whose goods are unclaimed,
Have done; we have written for value and prices,
Demanding their invoice, but get no advices;
What courtesy called for we did and beyond,
Sent twice to their store with the Average bond,
But all to no purpose; and so, I suppose,
While waiting their pleasure we never shall close."
Princeps played with his watch seal, musing the while,
Then seated himself, and remarked, with a smile,
His specs on his nose and his pen in the ink,
"There is a short method of leading, I think,
This horse to the water, and making him drink;
The papers may lie on my desk, if you please,
While I drop a line to these sly consignees."
Without further preface, he rapidly wrote,
In his firm, steady hand, a brief business note,
As follows, see letter-press copy below: —

" *Counting-House of* MERCATOR, PRINCEPS & Co.
(Here fill in at pleasure, street, number, and date.)
"*Messrs.* MOSES & BROTHER.
" *Gents:* —
"*We Would State*
That two cases ex 'Spread Eagle,' 'M 1 & 2,'
Per manifest shipped and belonging to you,
Weight and contents unknown, appear to be lost;
Not being aware of their value or cost,
The adjusters remain unable to close
Their Average Statement. If, as we suppose,
The loss of these goods upon us has to fall,
Would feel much obliged should you give us a call,
With proof of the cost, which we trust will be low.
" *Yours mo. truly,*
"MERCATOR, PRINCEPS & Co."

That same afternoon, in the half-opened door,
Sat Moses & Brother in front of his store,
His eye and his ear, through the soft summer air,
Caught the sights and the sounds of Second-Hand Square,

That chosen retreat where few Gentiles repair.
As patriarchs mused in the folds of their tents,
He quietly reckoned his dollars and cents;
He sat, for although overhead the sign ran
Thus, "Moses & Brother," it meant but one man.
The Lease, it is true, was renewed, term by term,
And rent duly paid, in the name of the firm,
But, save as thus viewed in the eye of the Law,
The mythical "brother" no eye ever saw.
The truth was that Moses so relished a lie,
'Twas fraud in a purchase induced him to buy;
He scarce made a sale unless this he could do —
At once sell his goods and his customer too;
So he made his firm name one continuous cheat,
And hung out the fraud in the face of the street.
If queries respecting his partner were pressed,
"*Mein bruder*" was always reported "out West";
While further inquiry, no matter how strict,
Elicited nothing beyond a "*weiss night!*"
Well, there, in the light of the fast-setting sun,
Sat this brace of copartners rolled into one;
No pose for a painter, it must be confessed,
For Moses' appearance was none of the best.
Alas! for the ease with which races decay,
What was Absalom once is Fagan to-day.
Yet Fagan himself, that arch filcher of "wipes,"
Was one of a constant succession of types,
Since Gentile and Jew, Roman, Saxon, and Celt,
From glories ancestral the same lapse have felt.
That Moses' descent might be rapid and easy,
Nature made him, it seemed, remarkably greasy;
Low-browed, heavy-featured, gross, pimpled, and fat,
He looked as though life had its source in a vat;
A being he seemed whose least contact would soil,
Who, whatever he touched, was certain to spoil,
Whose hand whosoever should grasp would "strike oil."
Thus seated contemplative, Moses was found
By the prompt penny-postman footing his round,
Who halted, with gesture official, and drew
From his plump letter-pouch Princeps' *billet-doux;*
And saying in passing, "A letter for you,"

Delivered it deftly in Moses' moist hand.
With his quick, native craft the missive he scanned,
And cautiously grasped it, as though something showed
It was loaded and primed, and about to explode;
Then furtively gazing around him, withdrew,
Still eyeing the letter, from all outward view,
As a dog who in public lights on a bone,
Sneaks off like a thief to enjoy it alone.

Could the public, as Moses slipped from its eye,
Have planted itself in his place on the sly,
And keyholed him there for a minute or more,
As he read Princeps' letter inside of his door,
It would have discovered, by this rapid glance —
Interviewing him thus, as if in advance,
As he slowly perused, reperused it, and then,
More slowly than ever perused it again
(As though, like a Bill in due course of proceeding
In Senate or House, it must have its third reading) —
How quickly his first transient look of alarm
Was melted away and dissolved by the charm
Of an audible smile, which seemed to begin
In the soles of his shoes, welled up past his chin,
And flooded his face with a broad, unctuous grin.
As he dwelt on the note, each line, every word
The depths of his fraudulent being it stirred,
Evoked from the dark, murky slime of his thought,
The germ of a promising swindle he caught.
"The two cases are lost"; yes, thus the note read.
"Lost goods, like dead men, tell no tales," Moses said.
"If lost, their true value will never be told,
Then how easy, at once, to increase it tenfold!
They admit they must pay; then is it not plain
Their loss may be turned into Moses' great gain?"
And broader, more unctuous, the grin of delight
Suffused all his face as he vanished from sight.

Next morn, lubricated anew, and alert,
With unwonted lustrations from yesterday's dirt,
Metamorphosed besides, in clean, ruffled shirt,
Princeps' letter in hand by way of credential,

With meek, humble air and salute deferential,
His voice and his bow both pitched equally low,
Moses greeted Mercator, Princeps & Co.
Our merchant received him as genial and bland
As the bright summer morning, grasping his hand,
With a glance at the note, a nod of the head,
"It's about those lost cases you're calling?" he said.
Moses opened at once, as always his wont,
In very bad English, a true German grunt,
"*Yah, zwei cases,*" and then broke down with an air
Of utter and helpless and hopeless despair.
To Queen's English true, Princeps knew but this much,
Or fancied he knew, that all German was "Dutch";
Long usage had certified this to his ear —
"*Zwei lager*" was Dutch for "two glasses of beer."
So he met Moses boldly, thrusting a brace
Of fingers directly in front of his face,
His voice, at the real "you poor foreigner" screech,
Cried, "Moses! we'll give you *zwei* hundred for each!"
"*Zwei hundert? zwei tausend!*" screamed Moses, aghast;
And then the pent volume broke forth, full and fast,
As in the oil region bursts suddenly out
Some sputtering, dense, oleaginous spout,
A long lamentation, the burden of which
Was still the "*zwei cases*" — those found, he was rich —
Those lost, *he* was lost — "*zum teufel gegangen,*"
Without a resource save "*himselbst to erhangen.*"
"The goods were a style which could nowhere be got,
Each case a choice order, an extra fine lot";
And he swore and reswore, in all the Dutch tenses,
That four *tausend* in gold would not pay expenses.
"Come, come," Princeps cried, when at last the oil spout,
Like so many others, began to give out,
"Take three thousand cash — quite enough, my good friend,
For both cases — and bring the affair to an end."
But this, like new strokes of the drill on the rock,
A fresh fountain of feeling served to unlock.
With new zeal our polyglot Moses began
To play the unfortunate, badly used man;
Rehearsed the same story, protested and swore,
Gave figures and dates, and wound up as before

With this brave assertion to clinch the last nail,
And put beyond question the truth of his tale:
"Dose dings dot I dell you is all recht and fair;
If you doubt my own wort, *mein bruder will schwear!*"

"Very well," Princeps said; "it hardly seems just;
But being our loss, if we must, why, we must.
Four thousand it is. Mr. Balance, please note
The bargain concluded"; and so Balance wrote
Some mystical figures, and pausing again,
Politely extended to Moses a pen.
"For form's sake, the Average bond you must sign —
Value $4000 — here on this line."
"And now," Princeps said, "I must hurry away;
Bank meeting at twelve; I shall lose, if I stay,
Five dollars in gold. Call to-morrow, at ten,
When your check will be signed. Good-by until then."

Moses left in great glee; descending the stair,
His foot felt no pressure, he trod upon air,
He had spoiled the Philistines, captured their gold;
Had come, seen, and conquered, like Cæsar of old.
The tortuous annals of Second-Hand Square
Had nothing with this happy stroke to compare;
His own private ventures, at home and abroad,
Had never achieved so successful a fraud;
Its brilliant horizon showed only one speck —
The fact that he had not yet handled the check.
But this passing cloud brought no doubt to his mind;
The bargain was closed, and the contract was signed,
So homeward, rejoicing, he went on his way,
Revolving the wondrous success of the day.
As his ancestral creed deemed every day lost
Which did not enrich him at somebody's cost,
So gainful a morning might well stir his sense
With virtue's warm glow, its own rich recompense.
The prize he had drawn was so wholly his own,
It heightened its charm to enjoy it alone;
Not the wife of his youth, the Rachel and Leah
Of Moses & Brother, should gain an idea
Of the great golden secret close hid in his breast

Like some rare, precious oil condensed and compressed,
Till the moment should come its wealth to unfold,
And flash in full view the four *tausend* in gold!

On time to a second, the last stroke of ten
Found Moses, next day, at our merchants' again.
The greeting of Princeps was even more bland
Than yesterday's welcome; he grasped Moses' hand,
Wringing out the moist fat in his firm, Down East grip,
As a chandler might squeeze a prime tallow dip.
"Prompt as ever; no grass grows under your shoes,
Friend Moses; I'll give you the best of good news:
We were wrong, it appears, and all wish you joy,
Those two cases are found; '*gefunden!*' old boy!"
(This phrase I should say that last evening our wary
Friend Princeps had culled from a "Dutch" dictionary,
And boldly delivered it *ore rotundo*),
But to Moses it came as a voice *de profundo*.
"*Gefunden!*" he stammered, and sank in a chair,
Then turned to the window, pale, gasping for air.
Princeps followed him up. "What wonderful luck!
There, Moses, they come, on that large yellow truck."
He silently pointed, like Death with his dart;
Moses stared with a dying man's glare at the cart,
Which bore the two cases, a sorry exhibit,
Like a pair of old rogues *en route* to the gibbet.
Drowning men catch at straws: he seized one last lie,
Which rose to his lips as the cartman drove by;
A sharp, cunning glance from the window he sent,
Then cried, "Dose are not the *zwei cases* I meant!
It must be they come by the next steamer trip;
Now I dinks of it, so! it was not this ship."
Warming up to his work, the old scamp commences
One by one to unlie his first false pretenses;
For one falsehood before he now utters six,
Declares the *zwei cases* are really worth "*nix*"—
"Old rags," "refuse stuff," all bought for a song,
And finally vows that they do not belong
To Moses & Brother, but just came consigned
For a friend, whose address he can't call to mind;
With other choice fictions, a similar strain,

Winding up with the old, familiar refrain,
"Vot I dells you dis dime is all on der square;
If you doubt mein own wort, *mein bruder will schwear!*"

"Too late!" Princeps cried; "the adjustment is made;
By the value you fixed your share must be paid.
Just forty per cent on four thousand is due;
The measure you meted is measured to you.
'Tis a charge on the goods — you say they are trash;
So cart them away, and pay over the cash,
Your Average share, sixteen hundred, in gold,
Or suit will be brought, and the lies you have told
Will more than suffice, unless justice fail,
To lock up your whole firm in Ludlow Street jail.
Henceforward"— here Princeps gazed solemnly round
On his clerks, who all stared in silence profound,
Impressively raising his voice and his hand,
With pulpit-like air, as if taking his stand
On high moral ground, as a teacher of youth —
"Henceforth, Messrs. Moses, pray stick to the truth.
You see, from the painful reverse of to-day,
That lying, though pleasant, is not sure to pay;
You learn that the way of transgressors is hard;
Beware lest, in future, — to speak by the card, —
Betrayed by your greed for this world's filthy lucre,
You are euchred by those whom you seek to euchre."

You often have read of, oft witnessed, perhaps,
The exit of Shylock, in total collapse,
Under Portia's consecutive, vigorous raps;
But Princeps declares no Shakespearean page,
Nor Old Bowery boards, nor Booth's classic stage,
Nor height of high Tragedy ever discloses
Such an outburst of rage as the exit of Moses.
To say "he boiled over" is certainly not
A tithe of the truth; you must fancy the pot,
Suspended so long in this figure of speech,
By which our weak language endeavors to reach
A rage past portrayal by pen or by pencil —
Must fancy, I say, this time-honored utensil,
Brimful, in this instance, with all Moses' oil,

Breaking up in one vast ferruginous boil,
Flaming forth, comet-like, on its fierce, fiery path,
A great, greasy, hissing, red globule of wrath!
An explosion was heard, a volcanic splutter,
A volley of oaths which no Christian could utter;
And the counting-room door came to with a flap,
Like the ancient, traditional thunderclap,
In which evil spirits have always retired,
When suddenly warned that their time has expired;
And just at the moment he seemed to depart,
The two cases were heard to go off — on the cart!
"For shame!" cried Mercator, as Princeps that night,
At his bountiful board, in the warm, crimson light,
Told about the discomfited Israelite.
"Charge me with my share of the ill-gotten profit,
And give to the poor whatever comes of it.
I wonder, old friend, how it was when you wrote
That ingenious but most disingenuous note,
Your own monster fib did not stick in your throat."
"It did, and it does!" exclaimed Princeps; "in vain
My efforts to wash it down now with Champagne;
For ill-advised words one should surely sit dumb,
So I quaff, penitential, this bumper of Mumm!
Oh, friends! I confess to the damaging fact,
Of my virtuous life the one doubtful act,
For which, I admit, it perhaps is but meet
That I should do penance in some public sheet.
Yet let the strict censor, while justly he blames,
The sinner absolve, though the sin he proclaims;
Considering this, ere he casts the first stone,
Were he from Down East what himself might have done,
When Truth stepped aside, and Conscience withdrew,
To leave a clear field for a Yankee and Jew!"

— William Allen Butler.

The Summing Up

I

REVERIE

AFTER the toil and trials of the day
Comes night with its review of what is done.
How do I stand, after the fight and fray?
What have I gained? What have I lost—or won?

Let me sum up. From the just debt he owes
I saved my client in a hard-fought case.
I added riches to his golden load:
I passed my brothers in life's frantic race.

The lifted sword of Justice I have stayed:
I saved the felon from offended laws:
The way of the transgressor easy made,
And smiled, to hear a smiling world's applause.

I have succeeded. Many a one, whose name
Makes and mars fortunes, seeks me for his friend:
Fortune I have, and flatterers, and fame:
The day is done! and these things crown its end.

II

DREAM

After the toil and trials of my life
Comes night with its review of the long fight.
What have I won from all its years of strife?
Let me sum up, ere falls the final night.

I've won, before the jury of mankind,
Fame, Wealth, and Power: their verdict is "well done."
Peace? Happiness? Tranquillity of Mind?
If I lack these, is any good thing won?

What cause was righted from my love of right?
What wrong redressed, because I hated wrong?
When have I fought for Justice against Might?
When have I helped the weak against the strong?

My Conscience answers: "You have failed in all.
Fame, Wealth, and Power you have: but you have lost
What makes success of life, when comes the call
To lay life down, and count its gain and cost."

III

AWAKENING

What? Dreaming? Yes, thank God! Time have I yet
To live and work: and with to-morrow's sun,
Order my life, that when its sun is set,
Conscience and God shall say of me — "well done."

—Woolsey R. Hopkins.

The Net of Law

THE net of law is spread so wide,
No sinner from its sweep may hide.
Its meshes are so fine and strong,
They take in every child of wrong.
O wondrous web of mystery!
Big fish alone can creep through thee!

—James Jeffrey Roche.

Source of Law

WHAT doth *Opinion* only cause
That's out of *Custom* bred,
Which makes us many other laws
Than ever *Nature* did.

—Samuel Daniel.

Duties of a Country Justice

["THE COUNTRY JUSTICE"]

THE social laws from insult to protect,
To cherish peace, to cultivate respect;
The rich from wanton cruelty restrain,
To smooth the bed of penury and pain;
The hapless vagrant to his rest restore,
The maze of fraud, the haunts of theft explore,
The thoughtless maiden, when subdued by art,
To aid, and bring her rover to her heart;
Wild riot's voice with dignity to quell,
Forbid unpeaceful passions to rebel,
Wrest from revenge the meditated harm,
For this fair Justice raised her sacred arm;
For this the rural magistrate, of yore,
Thy honors, Edward, to his mansion bore.

Oft, where old Air in conscious glory sails,
On silver waves that flow through smiling vales
In Harewood's groves, where long my youth was laid,
Unseen beneath their ancient world of shade;
With many a group of antique columns crowned
In Gothic guise such mansion have I found.

Nor lightly deem, ye apes of modern race,
Ye cits that sore bedizen nature's face,
Of the more manly structures here ye view:
They rose for greatness that ye never knew!
Ye reptile cits, that oft have moved my spleen
With Venus and the Graces on your green!
Let Plutus, growling o'er his ill-got wealth,
Let Mercury, the thriving god of stealth,
The shopman, Janus, with his double looks,
Rise on your mounts, and perch upon your books!
But spare my Venus, spare each sister Grace,
Ye cits that sore bedizen nature's face!

Ye royal architects, whose antic taste
Would lay the realms of sense and nature waste;
Forgot, whenever from her steps ye stray,
That folly only points each other way;

Here, though your eye no courtly creature sees,
Snakes on the ground, or monkeys in the trees;
Yet let not too severe a censure fall
On the plain precincts of the ancient hall.
For though no sight your childish fancy meets,
Of Thibet's dogs, or China's paroquets;
Though apes, asps, lizards, things without a tail,
And all the tribes of foreign monsters fail;
Here shall ye sigh to see, with rust o'ergrown,
The iron griffin and the sphinx of stone;
And mourn, neglected in their waste abodes,
Fire-breathing drakes, and water-spouting gods.
Long have these mighty monsters known disgrace,
Yet still some trophies hold their ancient place;
Where, round the hall, the oak's high surbase rears,
The field-day triumphs of two hundred years.
Th' enormous antlers here recall the day
That saw the forest monarch forced away;
Who, many a flood, and many a mountain passed,
Not finding those, nor deeming these the last,
O'er floods, o'er mountains yet prepared to fly,
Long ere the death-drop filled his failing eye!
Here famed for cunning, and in crimes grown old,
Hangs his gray brush, the felon of the fold.
Oft as the rent-feast swells the midnight cheer,
The maudlin farmer kens him o'er his beer,
And tells his old, traditionary tale,
Though known to ev'ry tenant of the vale.
Here, where of old the festal ox has fed,
Marked with his weight, the mighty horns are spread!
Some ox, O Marshall, for a board like thine,
Where the vast master with the vast sirloin
Vied in round magnitude — Respect I bear
To thee, though oft the ruin of the chair.
These, and such antique tokens that record
The manly spirit, and the bounteous board,
Me more delight than all the gewgaw train,
The whims and zigzags of a modern brain,
More than all Asia's marmosets to view,
Grin, frisk, and water in the walks of Kew.
Through these fair valleys, stranger, hast thou strayed,

By any chance, to visit Harewood's shade,
And seen with honest, antiquated air,
In the plain hall the magistratial chair?
There Herbert sat — The love of human kind,
Pure light of truth, and temperance of mind,
In the free eye the featured soul displayed,
Honor's strong beam, and Mercy's melting shade.
Justice, that, in the rigid paths of law,
Would still some drops from Pity's fountain draw,
Bend o'er her urn with many a gen'rous fear,
Ere his firm zeal should force one orphan's tear.
Fair equity, and reason scorning art,
And all the sober virtues of the heart —
These sat with Herbert, these shall best avail
Where statutes order, or where statutes fail.
Be this, ye rural magistrates, your plan:
Firm be your justice, but be friends to man.
He whom the mighty master of this ball
We fondly deem, or farcically call,
To own the patriarch's truth, however loth,
Holds but a mansion crushed before the moth.
Frail in his genius, in his heart too frail,
Born but to err, and erring to bewail,
Shalt thou his faults with eye severe explore,
And give to life one human weakness more?
Still mark if vice or nature prompts the deed,
Still mark the strong temptation and the need,
On pressing want, on famine's powerful call,
At least more lenient let thy justice fall.
For him, who, lost to ev'ry hope of life,
Has long with fortune held unequal strife,
Known to no human love, no human care,
The friendless, homeless object of despair;
For the poor vagrant feel, while he complains,
Nor from sad freedom send to sadder chains.
Alike, if folly or misfortune brought
Those last of woes his evil days have wrought;
Believe with social mercy and with me,
Folly's misfortune in the first degree.
Perhaps on some inhospitable shore
The houseless wretch a widowed parent bore;

Who then, no more by golden prospects led,
Of the poor Indian begged a leafy bed.
Cold on Canadian hills, or Minden's plain,
Perhaps that parent mourned her soldier slain;
Bent o'er her babe, her eye dissolved in dew,
The big drops mingling with the milk he drew,
Gave the sad presage of his future years,
The child of misery, baptized in tears!

— JOHN LANGHORNE.

Extempore in the Court of Session

[TUNE. — "KILLIECRANKIE"]

Lord Advocate

HE clenched his pamphlets in his fist,
He quoted and he hinted,
Till in a declamation-mist,
His argument he tintent it:
He gaped for 't, he graped for 't,
He fand it was awa', man;
But what his common sense came short,
He eked out wi' law, man.

Mr. Erskine

Collected Harry stood awee,
Then open'd out his arm, man:
His lordship sat wi' ruefu' e'e,
And eyed the gathering storm, man:
Like wind-driv'n hail it did assail,
Or torrents owre a linn, man;
The Bench sae wise, lift up their eyes,
Half-wauken'd wi' the din, man.

— ROBERT BURNS.

Justice Peeping

IT was found that the statue of Justice one day
Had pushed up the bandage from over one eye.
What for? To keep watch of the lawyers, some say;
But some, that she might the poor clients decry.

— MINOT J. SAVAGE.

The Contentious Q. C.

ONE Rigmarole Demosthenes McPhallisy Guffaw
Was a luminary conversant with Equity and Law,
An authority on title, genealogies, entail,
Affidavits, primogeniture, conveyancing, and bail.

His theories on lunacy were reckoned very sound,
And his knowledge of insolvency was equally profound;
His fees, though high, no litigant could logically grudge,
For his brothers were attorneys, and his uncle was a judge.

He once had undertaken to appear for the defense
Of half a jailful, and the judge (a man of common sense),
After two or three acquittals, said, "The time is quite too short
To admit of mere formalities embarrassing the Court.

"Those prisoners whose counsel is McPhallisy Guffaw,
Being certain of acquittal, are invited to withdraw.
If they act upon the privilege, they leave the Court without
A stain upon their character. Now, jailer, let them out."

Though McPhallisy was eloquent in cases of the sort,
A cross-examination was undoubtedly his *forte;*
No witness that he ever cross-examined could maintain
That his character was anything but one gigantic stain.

It eventually happened that the judges of assize
Had an after-dinner argument and blacked each other's eyes;
A Licentiate in Surgery presided at the mill,
And certified to Government that both were very ill.

The department for deciphering illegible MS.
Gave the gist of the certificate as near as they could guess
"A remarkable emergency," the secretary said,
"Two judges simultaneously 'affected in the head.'

Before the Judge

From the painting by E. Sonderland

"I must nominate as substitutes a barrister or two,
Here," — consulting the Directory, — "these gentlemen will
do;
Mandamus Malafides Mephistopheles Macaw,
And Rigmarole Demosthenes McPhallisy Guffaw."

McPhallisy, to start with, had a murder case to try;
The occurrence had been witnessed by a dozen passers-by,
The prisoner his murderous intention had expressed,
And his sanity the Faculty were ready to attest.

The culprit pleaded guilty, but McPhallisy Guffaw
Said, "Prisoner, you're naturally ignorant of law;
You had better stand your trial, and I stake my wig and gown
I'll annihilate the theory put forward by the Crown."

Then the judge, whose force of habit was particularly strong,
Called the prisoner "my client," which was technically wrong;
A judicial inadvertence which the prisoner enjoyed,
Though the public executioner was audibly annoyed.

The solicitors and barristers enjoyed the novel sport
Of hearing every witness cross-examined by the Court,
Till each of them, in swearing "to the best of his belief,"
Was admittedly a bigamist, a liar, and a thief.

When divested of their characters, the witnesses went out,
Guffaw harangued the jury on the "benefit of doubt";
A verdict of acquittal was directly handed down.
"Good morning," said the felon; "you can keep your wig
and gown."

The case which next demanded the attention of the Court
Was also one of murder, but of quite another sort;
No particle of evidence could possibly be found,
And the prosecution theory had fallen to the ground.

It was manifestly hopeless to associate the crime
With the prisoner, who chanced to be in China at the time;
So the learned Attorney-General said, "Please, your Lordship, I
Have determined upon entering a *nolle prosequi*."

Then Rigmarole Demosthenes McPhallisy Guffaw
Said, "Your Oriental traveling is no defense in law.
I'm hopeful of establishing the guilt of the accused."
(The public executioner was audibly amused.)

"You'd best plead guilty, prisoner, reserving your defense;
It will save your wife and family some trouble and expense,
I'll sentence you to death until your innocence is proved;"
And "His Lordship," said the journalists, "was evidently
moved."

When Rigmarole had meted out a moiety of doom,
They heard the back door opening, and from the judges' room
Two venerable gentlemen, whose eyes were black and blue,
Came out, exclaiming, "Now, sir, who the — Littleton — are
you?

"Behold in us Her Majesty's two judges of assize;
Your authority we question, your decisions we despise.
It's true we never held a brief, we never had to drudge;
For an advocate is one thing, and another thing's a judge.

"A judge should be a balance — only valuable when
Exempt from all the prejudice of educated men.
Let the beam be irreproachable, the scales exactly twins,
But the emptier the better till the balancing begins.

"Go back, sir, to your sophistry, your quibble, and your jest,
And leave the laying down of law to us who know it best;
As yet we're not infallible, but will be pretty soon,
For we read *The People's Lawyer* every Sunday afternoon."

Guffaw made some remark about a "lady" — but in French,
And ceased, except in metaphor, to sit upon the bench;
To those judges he administered some pieces of his mind,
And he gave them such a "sitting on" that both of them
resigned.

He died, the Father of the Bar, at ninety-four or five,
His grandson occupied the bench while he was yet alive;
The obituary notice in the *Illustrated News*
Thus epitomized his power to substantiate his views: —

Though an able controversialist, he hardly ever quite
Succeeded in establishing that black was simply white;
But his theory, which no one could successfully attack,
Was that white was just a delicate variety of black.

MORAL

If you wish to take your place among the judges of the land,
Be solemn and oracular, be dignified and bland;
If content to be a barrister, learn Equity and Law
Like Rigmarole Demosthenes McPhallisy Guffaw.

— EDWIN HAMILTON.

The Table o' Fees

[AIR. — "THE LAIRD O' COCKPEN"]

O, HOW oft hae I heard
That our whole stock-in-trade
Is a desk for a yaird
And a pen for a spade —
While it maun be agreed,
There's a world's guid in these,
Yet oor best pock o' seed
Is the table o' fees.

For the desk and the stule,
Wi' a sigh let me say,
May be props for a fule
At the end of the day,
But like manna and snaw,
Or a peck o' white peas,
For the doves o' the law
Is the table o' fees.

Let the merchantman boast
O' his fine speculations,
And the clergyman hoast
O'er his teinds' allocations,
For a steady on-cost,
Banking up the bawbees,
Like a warm dreepin' roast
Is the table o' fees.

Man! it gangs wi' a clack!
Like a mill makin' flour;
Three-and-fourpence a crack!
Six-and-eightpence an hour;
Half-a-crown for a wink,
And a shillin' a sneeze,
Come like stour o' sma' ink
Frae the table o' fees.

I could hand ye my stule,
Ruler, ink horn, and dask;
I could hand ye my quill,
Or whate'er ye micht ask;
And could yet wi' my tongue —
Whilk nae man can appease —
Fill a cask tae the bung
Frae the table o' fees.

— "Law Lyrics."

Settlement Cases

SHADWELL *v.* ST. JOHNS WAPPING

A WOMAN having a settlement
Married a man with none;
The question was, he being dead,
If what she had was gone?

Quoth Sir John Pratt, the settlement
Suspended did remain,
Living the husband; but him dead,
It doth revive again.

(*Chorus of Puisne Judges*)

Living the husband; but him dead,
It doth revive again.

REX *v.* INHABITANTS OF ST. BOTOLPH'S

A woman having a settlement,
Married a man with none;
He flies and leaves her destitute;
What then is to be done?

Quoth Ryder, the Chief Justice,
"In spite of Sir John Pratt,
You'll send her to the parish
In which she was a brat.

"*Suspension of a settlement*
Is not to be maintained;
That which she had by birth subsists
Until another's gained."

(*Chorus of Puisne Judges*)

That which she had by birth subsists
Until another's gained.

—Sir James Burrow.

An Epigram on Sir Edward Coke

WHEN HE WAS LORD CHIEF JUSTICE OF ENGLAND

HE that should search all glories of the gown,
And steps of all raised servants of the crown
He could not find than thee, of all that store,
Whom fortune aided less, or virtue more.
Such, Coke, were thy beginnings, when thy good
In others' evil best was understood:
When, being the stranger's help, the poor man's aid,
Thy just defenses made th' oppressor afraid.
Such was thy process, when integrity,
And skill in thee now grew authority,
That clients strove in question of the laws,
More for thy patronage, than for their cause,
And that thy strong and manly eloquence
Stood up thy nation's fame, her crown's defense;
And now such is thy stand, while thou dost deal
Desired justice to the public weal,
Like Solon's self, explat'st the knotty laws
With endless labors, whilst thy learning draws
No less of praise, than readers, in all kinds
Of worthiest knowledge, that can take men's minds.

Such is thy all, that, as I sung before,
None Fortune aided less, or virtue more.
Or if chance must to each man that doth rise,
Needs lend an aid, to thine she had her eyes.

— Ben Jonson.

Song of the Ragged Attorney

"*Lidentum dicere verum quid betat?*" — Horace

MY coat has long since lost its gloss,
My purse of gold is bare,
I stride no horses fleet and fine,
Nor dine of dainties rare.
Yet ho! my cheek is full and red,
My eye is clear and bright,
And I laugh at rags, and want, and care,
With a jolly strong heart and light.

Ha! ha! Sir Spider, on the wall,
How lank you look and poor,
We've neither webbed a single fly
For a good twelve months or more.
Yet ho! who cares? we both live high —
As high as we can get —
And we season the good things that we say
With the salt of our attic wit.

The spider has fled into his web,
The mouse, he scampers away,
And the dusty office seems chill and drear,
With the shadows long and gray.
What ho, old moth! art working still?
The prince of scholars you be,
Toiling away in your wormy cell
Like a monk right steadily.

And now to fancy's mystic eye,
The mournful twilight teems
With solemn shapes and dusky forms
From the dark land of dreams.

What ho! start not, I know them well,
Brave doctors of the law —
Each one in place — quick for the dance
My quivering bow I draw.

Ha! ha! these figures grave and dusk,
See how they wheel and spin,
Footing it up and shuffling down
To the merry violin.
Oh! ho! 'tis a farcical sight to see —
Lord Eldon, you alone,
Now forward Coke, and Matthew Hale,
With jolly old Blackstone.

The soldier loves the flash of steel,
The sailor loves the sea,
The forester carols a merry tune
In praise of the greenwood tree;
Yet ho! for law, with scales so bright,
And the sword to shield from harm,
And her ragged sons who laugh at care,
With jolly light hearts and strong.

— William Haines Lytle.

Judgeomania

"IF men were horses, beggars would ride,"
And tramps become sailors, were wine in the tide;
And all would be changed if "*if*" we could clench,
So here's what I'd do,
Were I on the bench.

The lawyers I'd greet with "How-do, old chap;
Yes, yes, I've forgotten that legal scrap;"
'Twixt bench and bar there's no wid'ning trench,
I'd treat all as friends,
Were I on the bench.

I'd be gracious to all, so drop your reserve;
I'd talk so a man wouldn't lose all his nerve;

I'd award liberal fees — no cause to retrench;
There'd be money galore,
Were I on the bench.

Res inter alios acta (translated,
Things between others were demonstrated);
I'd abolish all Latin, and also the French;
There'd be English alone,
Were I on the bench.

If a case took two hours or longer to try
(For talking is bound to make a man dry),
A recess we'd take, our thirst we would quench;
I'd guard well your health,
Were I on the bench.

If counsel were young and apt to be beat,
I'd beckon him up to the judge's seat,
And give him advice so success he could wrench;
Now, would you be happy
Were I on the bench?

I'd abolish opinions if made at great length,
They take up so much of a law student's strength;
Then law'd be a mistress and no ugly wench;
But all with this IF
Were I on the bench.

— Harry A. Bloomberg.

A Poem

Delivered before the Boston Bar Association

LET dogs delight to bark and bite, and doctors disagree;
It were not well that all mankind should dwell in unity.
If with consummate peacefulness the Christian world were blest,
Some occupations would be gone, and ours among the rest.
But, brethren of the legal faith, how pleasant 'tis to see
A company of men of law to sit down in harmony;
To see the members of the Bar in social union dine,

And join in song and chorus strong across the nuts and wine!
No quarrels have we of our own — we manage others' broils;
And though we fight with all our might, we've buttons on our foils;
We scratch a brother lawyer's eyes until they're out, and then
We go to dine with him that night and scratch them in again.
There is a popular idea that when we get our grip
Upon a client with a case we hate to let it slip;
That bench and bar alike conspire to keep mankind apart;
That justice means a pound of flesh cut nearest to the heart.
Yet spite of many a mouldy jest and antiquated saw,
Which common carles are wont to hurl at lawyers and the law,
It's obvious to those who scan humanity aright,
That though we have ferocious looks, we all detest to fight;
That but for lawyers and the law, but for the legal mind,
There never would be peace on earth for quarrelsome mankind.
The human race from parsons down would always fighting be,
If counsel loved not compromise far better than a fee.

What is a lawyer? He who spends his time from day to day
In listening to the woes of those whom others will not pay;
In tying up for heirs unborn the merchant's golden sheaves;
In saving gentlemen from jail and jugging common thieves;
In drawing leases, deeds, and wills, and hearkening to the moan
Of legatees whose friends had thought that they could draw their own;
In telling folk who break their legs upon a winter's day,
There must be hubbles on the ice to make the city pay;
In setting forth to grasping minds that "fixtures" don't include
A broad, inflexible permit to sack the neighborhood,
To pull the mantelpieces down for which they've chanced to pay,
Detach the plumbing from the floor and carry it away.
What is a lawyer? He who leaves his bed at early morn
To stop *in transitu* a car of cotton or of corn;
To libel argosies to sail upon the turn of tide;
To ask the court to free the unadulterated bride;
To claim injunction's awful aid to interdict the sale
Of patent soap, protected pills, or copyrighted ale;

To salve in general the blows of circumstance and fate,
Which fall on rich and poor alike, the paltry and the great.

You all remember King Canute, and how he stood one day
Amid his courtiers on the beach and bade the billows stay:
"Stand still, proud waves; this is my realm; you shall no farther flow!"
The waves crept rippling up the beach, and Canute had to go.
So onward moves the march of law, in spite of solemn speech:
Proud man erects his monuments upon the sandy beach,
He marks the limits of the law and where the law shall stay;
The tide creeps slowly on and sweeps his monuments away.
Where are the minions of the law who flourished long ago?
We miss the once familiar name of excellent John Doe;
And where are all the men of straw, that ghostly company?
And where J. S., who went to Rome upon the slightest plea?
He disliked to go to Dover, but he had a taste for Rome,
Though he was lord of Sale and Dale when he remained at home.
All, all are gone, and with them gone the glories of that day
When advocates were acrobats who juggled for delay,
When pleadings artfully confused the question being tried,
And justice seldom could prevail until the plaintiff died.
Gone are the fictions of the past, but deathless ever stand
Their names who made the common law the bulwark of our land:
The fame of Mansfield and of Cairns has never brighter shone,
And Coke burns lustrous in the light he shed on Littleton.
Oh, long may learned counsel quote and never quote in vain
The principles which Holt, C. J., set forth in language plain,
When Cogg's brandy bursting bonds ran riot to the lees,
And gave his lordship an excuse to classify bailees.
Still lists the student to the tale how Shepherd once let fly
That famous squib whose devious course scorched Scott the plaintiff's eye,
Wherefrom the moral is deduced in many a learned note
That he who sets a firework off should see that he's remote.
What though the roots of common law in English soil are laid,
Our younger race can point with pride to names which will not fade!
Shall Story, Curtis, Kent, or Shaw the palm to Britons yield?

Will not our sons and grandsons talk of Lowell and of Field?
Death claims his own; yet death but gilds with more conspicuous grace
The work of him [1] who late adorned our first and highest place;
Of him,[2] his colleague, who obeyed the heavenly bugle call,
Preëminent in many paths, and noble in them all.
Gone are the fictions of the past; the lawyer of to-day
Wears no wig on his head to hide the crown that's bald or gray,
No gown of richly flowing silk encompasses his frame,
He has no letters fastened to the rear end of his name;
And yet (if you'll excuse the slang) he gets there just the same.
He is a plain and proper man, the lawyer of to-day
Who tries to reach the point at bar as quickly as he may;
He fights with fundamental facts, he matches link with link,
Nor dares to trust to the belief that juries do not think;
He knows they will no longer gulp the glibly uttered lie,
Because he hammers with his fist or lightens with his eye;
The teary, tremulous harangue evokes the knowing smile,
For laymen when attorneys weep discern the crocodile.
But though the style of argument which made the counsel hoarse
Has given place to businesslike, colloquial discourse,
And though the son may not prevail by arts which crowned his sire,
The world still heeds the voice which rings with real Promethean fire.
True eloquence controls mankind as surely and as well
As in the days when Abinger or Webster wrought the spell.
Let but the hour demand the man to talk in tongues of flame,
The gaping world still holds its breath, and wise men cry acclaim.
O happy he who has the power to make his words seem thongs
When sneering common-sense conspires to bolster up old wrongs!
But over every paltry case, what boots a beetling brow?
It's not the largest kind of dog that makes the greatest row.

O brothers of the legal faith, the world is growing old!
Men say that all the poems are writ and all the stories told;
And judging by the multitude of issues framed and tried,

[1] Chief Justice Marcus Morton. [2] Mr. Justice Charles Devens.

There should be no contentions left for judges to decide.
That Providence which feeds the sparrow, protects the lawyer still.
Man is litigious to the marrow in spite of priest and pill;
And though toward the goal of grace the world is drifting fast,
We look for quarreling ahead as well as in the past.
Some men will still conspire to grab the things which others own,
From the fugitive umbrella to the complex telephone.
Before another decade's past some mortal may be crying,
"I first invented the machine by which John Smith is flying."
Though homicide is out of date on peaceful Beacon Hill,
Electric horse cars militate to work the murderer's will,
And specious papers on our walls abundantly exhale
The deadly poison which would make a judge and jury pale.
O brethren of the legal faith, the world is growing old,
But many a poem will still be writ and many a tale be told,
And many issues still will rise like mushrooms from their bed
To add a little butter to the lawyer's daily bread.
And so in philosophic vein I say, as I began,
Although the man of law loves peace and is a peaceful man,
Let dogs delight to bark and bite, and doctors disagree;
It were not well that all mankind should live in unity.
If with consummate peacefulness the Christian world were blest,
Some occupations would be gone, and ours among the rest.

O mighty mistress of the Law, to thee our knees we bow!
We are the high priests of thy shrine, our adoration thou!
O molder of the centuries, who holds the world in fee,
We, as the high priests of thy shrine, bring largess unto thee!
We pledge the ardent hopes of youth, the faith of Nestors gray,
The strength of manhood in the stress and glory of the fray.
Thou art the stern embodiment of gravest human thought, —
The essence not of what men would, but that of what men ought.
Thine attributes are still the same; but as we grow in grace,
We read new meanings in the lines of thy majestic face,
A subtler justice in thine eyes than that our fathers saw.
Oh, may we ever strive and pray to know thee better, Law!

— Robert Grant.

Love Subject to Law

THE State is now Love's foe, Love's foe;
'T has seized on his arms, his quiver, and bow,
Has pinioned his wings and fettered his feet,
Because he made way for lovers to meet.
But, O sad chance, his judge was old!
Hearts cruel grow, when blood grows cold.
No man being young his process would draw.
O heavens, that Love should be subject to Law!

— WILLIAM DAVENANT.

Catiline's Defiance to the Roman Senate

[CATILINE]

CONSCRIPT Fathers!
I do not rise to waste the night in words:
Let that plebeian talk; 'tis not *my* trade;
But *here* I stand for right. Let him show *proofs*, —
For Roman-right, though none, it seems, dare stand
To take their share with me. Ay, cluster there,
Cling to your master; judges, Romans, — *slaves!*
His charge is false; — I dare him to his *proofs*,
You have my answer now! I must be gone.

* * * * * * * * *

But this I will avow, that I have scorned,
And still *do* scorn, to hide my sense of wrong:
Who brands me on the forehead, breaks my sword,
Or lays the bloody scourge upon my back,
Can wrong me half so much as he who shuts
The gates of honor on me, — turning out
The Roman from his birthright; and for what? —
To fling your offices to every slave; —
Vipers, that creep where man disdains to climb;
And having wound their loathsome track to the top
Of this huge moldering monument of Rome,
Hang hissing at the nobler man below.

* * * * * * * * *

Banished from Rome! What's banished, but set free
From daily contact of the things I loathe?
"Tried and convicted traitor!" Who says this?

(*With growing violence*)

Who'll prove it, at his peril, on my head?
Banished? — I thank you for't. It breaks my chain!
I held some slack allegiance till this hour, —
But *now* my sword's my own. Smile on, my lords;
I scorn to count what feelings, withered hopes,
Strong provocations, bitter, burning wrongs,
I have within my heart's hot cells shut up,
To leave you in your lazy dignities.
But here I stand and scoff you: — here I fling
Hatred and full defiance in your face.
Your Consul's merciful. For this all thanks.
He *dares* not touch a hair of Catiline.

* * * * * * * * *

"Traitor!" I go — but I *return*. This — trial!
Here I devote your senate! I've had wrongs,
To stir a fever in the blood of age,
Or make the infant's sinew strong as steel.
This day's the birth of sorrows! This hour's work
Will breed proscriptions. Look to your hearths, my lords!
For there henceforth shall sit, for household gods,
Shapes hot from Tartarus! — all shames and crimes: —
Wan Treachery, with his thirsty dagger drawn;
Suspicion, poisoning the brother's cup;
Naked Rebellion, with the torch and ax,
Making his wild sport of your blazing thrones;
Till Anarchy comes down on you like Night,
And Massacre seals Rome's eternal grave!

* * * * * * * * *

I go, — but not to leap the gulf alone:
I go; but when I come, — 'twill be the burst
Of ocean in the earthquake, — rolling back
In swift and mountainous ruin. Fare you well!
You build my funeral pile, but your best blood
Shall quench its flame.

— George Croly.

Act III., scene 2.

Love-Making

THE LAWYER'S WAY

NOW, Jennie, dear, I think you will agree
'Tis time that we investigate this matter
Of so much interest unto you and me,
But doubly so is it unto the latter;
For, since my love, when I first my suit began
I've acted with this rigid resolution —
Whereas, that I, a single, lone young man,
And you a lady of sound constitution
In Cupid's court a love case instituted,
It should this term be fully prosecuted.

Said case is one that may not bear the test
Of long postponement, so e'er we adjourn,
Accept my terms, my love, and say 'tis best
To let proceedings take a legal turn.
On the hypothesis that you'll agree
To said requirements of said proposition,
The Court declares immediate action be
Taken to secure a valid recognition
Of all good faith between us, so unfearing
Rise, kiss th — I mean *me*, love, without swearing.

— Rebecca Morrow Reaves.

Judge Wyman

A RURAL YANKEE LEGEND

LONG ago in the State of Maine,
There lived a Judge — a good old soul,
Rather well up in the "genial vein,"
And not by any means "down on" the bowl.
N.B. — By "bowl" I mean the "cup,"
And by "cup" — N.B. — I mean a *glass*,

Since neither bowls nor cups go up
At present when we our liquor pass.
(Although I recall —
'Tis three years this Fall —
When traveling in the wilderness,
And things were all in an awful mess,
And our crockery, with a horrible crash,
Had gone its way to eternal smash
(It came, as the driver allowed, from racin'),
We drank champagne from a tin wash-basin.
Excuse the digression — *non est crimen* —
And return to our Judge, whose name was Wyman.)
The Judge oft drank in a hostelrie
Kept by a man whose name was Sterret,
Where he met with jolly company,
But where the whisky was void of merit —
The real Minie rifle brand,
That at forty rods kills out of hand.

Well, it came to pass that one night the Judge
At Sterret's, after a long, hot day,
Got so tight that he couldn't budge,
And found himself "well over the bay,"
With a "snake in his boot" and one in his hat
Like a biled owl, or a monkey horned,
Tangle-legged, hawk-eyed, on a bat,
Peepy, skewered, and slewed, and corned.
Couldn't tell a skunk from a pint of Cologne,
Couldn't see the difference 'tween *fips* and cents.
And when he attempted to walk alone,
Simply made a Virginia fence;
Till liquor yielded at last to sleep,
And he sank into Dream River — four miles deep.

Sanctus Ivus fuit Brito, advocatus sed non latro.
"Saint Ives the Briton first took a brief,
For, though a lawyer, he wasn't a thief."
This is what the story declares,
Which says he listens to lawyers' prayers.
Likely enough! perhaps he may —
Whenever a lawyer tries to pray!

But another legend, old and quaint,
Assigns them a different kind of saint,
With a singular foot and peculiar hue,
Whose breath is tinged with a beautiful blue;
And this was *rather* the saint, I think,
Who inspired the young lawyers, twenty-four,
Who helped Judge Wyman to stow his drink,
And made them rejoice to hear him snore.
Who, save the devil, would not have wept
To see these graceless legal loons
Tricking the good old Judge as he slept,
And filling his pockets with Sterret's spoons?
With silver spoons; likewise for butter
A handsome ten-dollar silver knife;
Then put Judge Wyman on a shutter,
And carried him home to his loving wife.

If any ladies read these rhymes,
Which in Edgar A. Poetry are called "runes,"
They may just imagine what sort of times
Mrs. Wyman had when she found the spoons!
The Judge's grief was full of merit,
And his lady wasn't inclined to flout it;
But she quietly took the spoons to Sterret,
And nothing more was said about it.

A month went by, and *Fama*, the wench!
Had not spread a whisper to urge remorse,
And Judge Wyman sat on the legal bench,
Trying a fellow for stealing a horse.
The evidence was all due north,
It froze the prisoner every minute,
Till Judge Wyman called the culprit forth,
And asked what "he had to say *agin* it?"

The prisoner looked at the planks of pine
Of the little rural courthouse ceiling,
At all the jury in a line,
Then answered, his only small card dealing,
"Judge, I hev lots of honesty,
But when I'm drunk I can't control it;

And as for this 'ere hoss — d'ye see? —
I was drunk as blazes when I stole it."
Answered the Judge, "If this Court were a dunce,
She would say, in law that is no excuse;
For the Court held that opinion *once*,
But of late her connection's been gettin' loose.
One may be certain on law to-day,
And find himself to-morrow dumb. —
But answer me one thing truly, and say
Where'bouts it was you got your rum?"
"I drank because I was invited,
And got my rum at Sterret's, d'ye see?"
"Mr. Sheriff," cried the Judge, excited,
"This instant set that poor man free!
The liquor that Sterret sells, by thunder!
Would make a man do anything,
And some time or other, I shouldn't wonder
If it made a saint on the gallows swing;
It will run a man to perdition quicker
Than it takes a fiddler to reel off tunes;
Why, this Court herself once got drunk on that liquor,
And stole the whole of old Sterret's spoons!"

— Charles Godfrey Leland.

The Present Style

JONES, Smith, Robinson,
Simmons, Kent, Parr,
Riley, Moore, Grant, Dunn,
Little, Lillie, Carr,

Marsh, Dusenbury, Bland,
Hurley, Murphy, Daw,
And Jamison, Attorneys and
Counselors at law.

— R. K. Munkittrick.

Portia's Speech

["THE MERCHANT OF VENICE"]

THE quality of mercy is not strained;
It droppeth as the gentle rain from heaven
Upon the place beneath: it is twice blessed;
It blesseth him that gives, and him that takes;
'Tis mightiest in the mightiest: it becomes
The throned monarch better than his crown;
His scepter shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptered sway;
It is enthroned in the hearts of kings,
It is an attribute to God himself,
And earthly power doth then show likest God's,
When mercy seasons justice. Therefore, Jew,
Though justice be thy plea, consider this, —
That in the course of justice none of us
Should see salvation: we do pray for mercy,
And that same prayer doth teach us all to render
The deeds of mercy.

* * * * * * * * *

Tarry a little; there is something else. —
This bond doth give thee here no jot of blood;
The words expressly are, a pound of flesh:
Take then thy bond, take thou thy pound of flesh;
But, in the cutting it, if thou dost shed
One drop of Christian blood, thy lands and goods
Are by the laws of Venice confiscate
Unto the State of Venice.

* * * * * * * * *

Therefore, prepare thee to cut off the flesh.
Shed thou no blood; nor cut thou less, nor more,
But just a pound of flesh; if thou tak'st more,
Or less, than a just pound, — be it so much
As makes it light, or heavy, in the substance,
Or the division of the twentieth part
Of one poor scruple, — nay, if the scale do turn

But in the estimation of a hair,
Thou diest, and all thy goods are confiscate.

* * * * * * * * *

Tarry, Jew:
The law hath yet another hold on you.
It is enacted in the laws of Venice,
If it be proved against an alien,
That by direct or indirect attempts
He seek the life of any citizen,
The party, 'gainst the which he doth contrive,
Shall seize one half his goods; the other half
Comes to the privy coffer of the State;
And the offender's life lies in the mercy
Of the Duke only, 'gainst all other voice.
In which predicament, I say, thou stand'st;
For it appears by manifest proceeding,
That, indirectly, and directly too,
Thou hast contriv'd against the very life
Of the defendant, and thou hast incurred
The danger formerly by me rehearsed.
Down, therefore, and beg mercy of the Duke.

— WILLIAM SHAKESPEARE.

A Fair Attorney

ALAS! the world has gone awry
Since Cousin Lillian entered college,
For she has grown so learnéd I
Oft tremble at her wondrous knowledge.
Whene'er I dare to woo her now
She frowns that I should so annoy her,
And then proclaims, with lofty brow,
Her mission is to be a lawyer.

Life glides no more on golden wings,
A sunny waif from Eldorado;
I've learned how true the poet sings,
That coming sorrow casts its shadow.
When tutti-frutti lost its spell,
I felt some hidden grief impended;
When she declined a caramel,
I knew my rosy dream had ended.

She paints no more on china plaques,
With tints that would have crazed Murillo,
Strange birds that never plumed their backs
When Father Noah braved the billow.
Her fancy limns, with brighter brush,
The splendid triumphs that await her,
When, in the court, a breathless hush
Gives homage to the keen debater.

'Tis sad to meet such crushing *noes*
From eyes as blue as Scottish heather;
'Tis sad a maid with cheeks of rose
Should have her heart bound up in leather.
'Tis sad to keep one's passion pent,
Though Pallas' arms the Fair environ,
But worse to have her quoting Kent
When one is fondly breathing Byron.

When Lillian's licensed at the law
Her fame, be sure, will live forever;
No barrister will pick a flaw
In logic so extremely clever.
The sheriff will forget his nap
To feast upon the lovely vision,
And e'en the Judge will set his cap
At her, and dream of love Elysian.

— Samuel Minturn Peck.

A Response at a Boston Bar Banquet

HIS Honor's father yet remains
His proud paternal posture firm in;
But, while his right he still maintains
To wield the household rod and reins,
He bows before the filial ermine.

What curious tales has life in store,
With all it's must-bes and its may-bes!
The sage of eighty years and more
Once crept a nursling on the floor —
Kings, conquerors, judges, all were babies.

The fearless soldier who has faced
  The serried bayonets' gleam appalling,
For nothing save a pin misplaced
The peaceful nursery has disgraced
  With hours of unheroic bawling.

The mighty monarch, whose renown
  Fills up the stately page historic,
Has howled to waken half the town,
And finished off by gulping down
  His castor oil or paregoric.

The justice, who in gown and cap
  Condemns a wretch to strangulation,
Has scratched his nurse, and spilled his pap,
And sprawled across his mother's lap
  For wholesome laws' administration.

Ah! life has many a reef to shun
  Before in port we drop our anchor;
But when its course is nobly run,
Look aft! for there the work was done:
  Life owes its headway to the spanker.

Yon seat of justice well might awe
  The fairest manhood's half-blown summer;
There Parsons scourged the laggard law,
There reigned and ruled majestic Shaw —
  What ghosts to hail the last newcomer!

One cause of fear I faintly name —
  The dread lest duty's dereliction
Shall give so rarely cause for blame,
Our guileless voters will exclaim,
  "No need of human jurisdiction!"

What keeps the doctors' trade alive?
  Bad air, bad water; more's the pity!
But lawyers walk where doctors drive,
And starve in streets where surgeons thrive,
  Our Boston is so pure a city.

What call for court or judge, indeed,
When righteousness prevails so through it?
Our virtuous car-conductors need
Only a card whereon they read:
"Do right; it's naughty not to do it!"

The whirligig of time goes round,
And changes all things but affection;
One blessed comfort may be found
In heaven's broad statute, which has bound
Each household to its head's protection.

If e'er aggrieved, attacked, accused,
A sire may claim a son's devotion
To shield his innocence abused,
As old Anchises freely used
His offspring's legs for locomotion.

You smile. You did not come to weep,
Nor I my weakness to be showing;
And these gay stanzas, slight and cheap,
Have served their simple use — to keep
A father's eyes from overflowing.

— Oliver Wendell Holmes.

The Old Barrister

WE have lost him from our courts,
From the inns and old resorts,
Filled by prigs and dashing sports
As we see them in our day;
He is gone with frills and puffs,
With his garters and his ruffs,
With his kerchiefs and his snuffs,
And his wig of powdered gray.

And his courtly bow we miss,
And his green bag and all this
That in former days were his,
When he met with court and bar;

His obeisance to the Law,
Without fleck and without flaw,
And the many a witty saw
  Gathered up from near and far!

On the bench the judge august
Was his bulwark and his trust,
While he honored e'en the dust
  From his powdered wig which fell.
For in him he saw the power
Of the law in that stern hour
That could save but might devour:
  And he answered each, "'Tis well!"

To his brothers, cavalier
At the court could not appear
To the ladies at their cheer,
  More polite and kind than he.
Tip of snuff box, courtly jest,
Clasp of hand, and all the rest
Showed the grandest and the best
  Of the Law and Chivalry!

None there was who could despise
More than he, those legal lies, —
Fictions called, — for in his eyes
  Law was truth, and Truth is right!
Nor could priest his robes of grace,
When he served in holy place,
Keep more spotless in those days,
  Than were kept his robes to sight!

Tho' severe in garb and mien,
Yet in honest worth serene,
He was true as truth was seen,
  To his clients and the laws;
He would scorn to seek a case,
Such to him a dire disgrace!
But would greet you at his place,
  Take his fee, accept your cause.

Like a lion he would roar
At the Court, the bench before,
At the jury stamp and glower,
When he argued for your right;
Then with accents suave and sweet
He would plead and then entreat;
For your loss was his defeat,
While your gain his chief delight.

We have lawyers still, galore;
Noble judges as before,
But these courtly men of yore
They have vanished with their day;
Wig and snuff box, green bag — all
That their vanished forms recall,
Leaving green in Memory's Hall
Honored names to live alway!

— William V. Lawrance.

In Indenture or Deed

IN indenture or deed,
Tho' a thousand you read,
Neither comma nor colon you'll ken:
A stop intervening
Might determine the meaning;
And what would the lawyers do then?
Chance for change of construction gives chance for new flaws;
When the sense is once fixed, there's an end of the cause.

— Samuel Bishop.

Law

AN ODE IN IMITATION OF ALCÆUS

AND sovereign law, that state's collected will,
O'er thrones and globes elate
Sits empress, crowning good, repressing ill;
Smit by her sacred frown
The fiend, Discretion, like a vapor sinks,
And e'en the all-dazzling Crown
Hides his faint rays, and at her bidding shrinks.

— Sir William Jones.

The Bull Case

[Cotton for Plf. Record for Deft.]

"OH, J. B. Cotton! Say, what should you do
If you were a woman, hystericky, too,
And a rampant bull made a dive at you?

"Should you holler an' scream with vigor intense;
Should you take to your heels, or take to the fence
And over it go an' battle him thence?

"Suppose the critter all unconfined
Should level his horn at you behind, —
You, a woman to fidgets inclined?

"Suppose he should bellow an' lash his tail,
An' charge on the fence till the topmost rail
Fell over on you, low squat an' pale;

"Screaming an' crying for help in vain,
Tortured with fear an' tortured with pain,
What should you do, I ask again?

"You know that a woman so sensitive born,
Can't cope with a monster having a horn
An' threatening to gore her all forlorn.

"You know 'tis unsafe, outrageous an' wrong
To let such a Bashan, so savage an' strong,
Break loose an' bellow the streets along.

"You know, when his fiery eyeballs glare
An' his tail goes up, he's a terrible scare
To a sensitive woman so apt to despair.

"Now these are the facts explicit, precise;
I ask for the law an' care not for the price.
Pray give me the best o' your legal advice."

"Good madam, I think 'twas *malice prepense*
In the bull, a case of damage immense,
To which there can be no valid defense.

"The owner or keeper is clearly at fault;
See Blackstone or Chitty, title, Assault.
The case is as clear as a kick from a colt."

But alas for opinions an' legal advice!
Good cases, when tried an' argued so nice,
Are oftentimes lost by subtle device.

The jury, on weighing the evidence full,
Concluded somehow, by a pull o' the wool,
The woman it was that inveigled the bull.

MORAL

So J. B. Cotton, my friend, I fail
To discover the reason you didn't prevail,
Unless 'twas taking the bull by the tail.

Next time you tackle the Unicorn,
Though he bellow an' blaze like a demon hell-born,
Don't grab for his tail, — take hold of his horn.

— John W. May.

Advice to a Young Lawyer

BE brief, be pointed; let your matter stand
Lucid in order, solid, and at hand;
Spend not your words on trifles, but condense;
Strike with the mass of thought, not drops of sense;
Press to the close with vigor, once begun,
And leave (how hard the task!), leave off, when done.
Who draws a labored length of reasoning out,
Puts straws in line, for winds to whirl about;
Who drawls a tedious tale of learning o'er,
Counts but the sands on ocean's boundless shore.
Victory in law is gained, as battles fought,
Not by the numbers, but the forces brought.
What boots success in skirmish or in fray,
If rout and ruin following close the day?
What worth a hundred posts maintained with skill,

If these all held, the foe is victor still?
He who would win his cause, with power must frame
Points of support, and look with steady aim;
Attack the weak, defend the strong with art,
Strike but few blows, but strike them to the heart;
All scattered fires but end in smoke and noise,
The scorn of men, the idle play of boys.
Keep, then, this first great precept ever near,
Short be your speech, your matter strong and clear,
Earnest your manner, warm and rich your style,
Severe in taste, yet full of grace the while;
So may you reach the loftiest heights of fame,
And leave, when life is past, a deathless name.

* * * * * * * * * 1831.

Whene'er you speak, remember every cause
Stands not on eloquence, but stands on laws;
Pregnant in matter, in expression brief,
Let every sentence stand in bold relief;
On trifling points, nor time, nor talents waste,
A sad offense to learning and to taste;
Nor deal with pompous phrase; or e'er suppose
Poetic flights belong to reasoning prose.
Loose declamation may deceive the crowd,
And seem more striking as it grows more loud;
But sober sense rejects it with disdain,
As naught but empty noise, and weak as vain.
The froth of words, the school-boy's vain parade
Of books and cases, — all his stock in trade, —
The pert conceits, the cunning tricks and play
Of low attorneys, strung in long array, —
The unseemly jest, the petulant reply,
That chatters on, and cares not how or why, —
Studious, avoid unworthy themes to scan,
They sink the Speaker and disgrace the Man.
Like the false lights, by flying shadows cast,
Scarce seen when present, and forgot when past.

Begin with dignity; expound with grace,
Each ground of reasoning in its time and place;
Let order reign throughout, each topic touch,
Nor urge its power too little or too much.

Give each strong thought its most attractive view,
In diction clear, and yet severely true.
And, as the arguments in splendor grow,
Let each reflect its light on all below.
When to the close arrived, make no delays
By petty flourishes or verbal plays,
But sum the whole in one deep, solemn strain,
Like a strong current hastening to the main.

* * * * * * * * * 1832.

You wish the Court to hear, and listen too?
Then speak with point, be brief, be close, be true.
Cite well your cases; let them be in point;
Not learned rubbish, dark, and out of joint; —
And be your reasoning clear, and closely made,
Free from false taste, and verbiage, and parade.

Stuff not your speech with every sort of law,
Give us the grain, and throw away the straw.

Books should be read; but if you can't digest,
The same's the surfeit, take the worst or best.

Clear heads, sound hearts, full minds, with point may speak,
All else how poor in fact, in law how weak.

Who's a great lawyer? He who aims to say
The least his cause requires, not all he may.
Greatness ne'er grew from soils of spongy mold,
All on the surface dry; beneath all cold;
The generous plant from rich and deep must rise,
And gather vigor, as it seeks the skies.

Whoe'er in law desires to win his cause,
Must speak with point, not measure out "wise saws,"
Must make his learning apt, his reasoning clear,
Pregnant in matter, but in style severe;
But never draw, nor spin the thread so fine,
That all becomes an evanescent line.

— Joseph Story.

Carlton *v.* Hescox

[107 Mass. 410]

"*Evidence of how much hay an ordinary horse will eat in a week is incompetent on the question how much hay was eaten in eight weeks and a half by a horse that was not in ordinary condition.*"

A citizen and horse owner is stopped by a Sheriff's Deputy.

IT is a sheriff's deputy,
And he stoppeth one so free.
"By Cock and Pye! and the Foul Fiend!
Now wherefore stop'st thou me?"

Who serveth a writ upon him.

"I stop thee at brave Carlton's suit,
Who's furnished grain and hay
Unto thy gallant four-foot brute,
Who ate and ne'er said neigh!

And summoneth him before the Superior Court next to be holden.

"Before the next Superior Court,
I warned thee to appear;
And if of justice thou hast aught,
Thou there canst make it clear."

* * * * * * *

The Judge paceth into the Court.

The Judge hath paced into the Court;
A portly man is he.
With rev'rend mien behind him go
The good and true jury.

The Trial. The Plaintiff's tale.

The Plaintiff opened then his case,
And straight he did complain,
That to defendant's gallant steed
He'd furnished hay and grain.

And eight long weeks and eke a half
Had given watchful care,
To cure him of some fell disease,
That noble horse did bear.

A most astounding quantity
Of hay that horse had ate;
So swore good Amos Carlton
Before the Court sedate.

Defendant is sore angered and amazed.

Such monstrous weight of provender,
Defendant Hescox swore,
No living horse or hippogriff
Had eaten e'er before.

And to sustain this goodly plea,
He straight a witness seeks
To swear what common horse could eat,
In eight and one-half weeks.

He endeavoreth to put in certain evidence, but the Judge preventeth.

But mark the niceties of law!
Carlton did there object,
And promptly did the learnéd Judge
The evidence reject.

And giveth his reasons therefor.

Defendant's was no *common* horse,
The Justice did explain;
And so was no criterion
Concerning hay and grain.

Whether it was, that, being sick,
He ravenous had grown,
Or that he was a Pegasus,
Is not quite clearly shown.

Prudent rule of conduct to be drawn from the learned Court's decree.

But from the learnéd Court's decree
Most surely we may read,
The only safe proceeding is,
To own a *common* steed.

So, all ye lovers of the horse,
That is the friend of man,
Be warned in time by this decree,
Adopt the safer plan!

Advice to the lovers of good horses.

For if your spicy trotters,
Or high-bred barbs you keep
In public stable, much expense
And trouble you may reap.

Showeth the dangers which beset a contrary course.

For stable keeper may depose
In good set terms, and say
He's fed your nag on terrapins
And squabs, in lieu of hay.

In vain indignant you'll protest!
In vain you'll earnest plead,
That this is not good equine food!
Yours is no common steed.

So shun to buy fine-blooded stock;
'Tis fraught with sore remorse.
Lower your pride, and humbly keep
An "*ordinary*" horse!

— Austin A. Martin.

Verbatim from Boileau

"Un Jour dit un Auteur," etc.

ONCE (says an author; where, I need not say)
Two trav'lers found an oyster in their way;
Both fierce, both hungry; the dispute grew strong,
While, scale in hand, Dame Justice past along.
Before her each with clamor pleads the laws,
Explained the matter, and would win the cause.
Dame Justice, weighing long the doubtful right,
Takes, opens, swallows it, before their sight.
The cause of strife removed so rarely well,
"There, take" (says Justice), "take ye each a shell.
We thrive at Westminster on fools like you:
'Twas a fat oyster — live in peace — Adieu."

— Alexander Pope.

A Lawyer's Daughter

"TO me, I swear, you're a volume rare —"
But she said, with judicial look,
"Your oath's not valid at Common Law
Until you've kissed the Book."

— J. H. Thacher.

Arraignment of a Lover

AT *Beauty's* bar as I did stand,
When *False Suspect* accused me,
George, quoth the Judge, hold up thy hand,
Thou art arraigned of Flattery;
Tell, therefore, how wilt thou be tried,
Whose judgment thou wilt here abide?

My lord, quod I, this lady here,
Whom I esteem above the rest,
Doth know my guilt, if any were;
Wherefore her doom doth please me best.
Let her be judge and juror both,
To try me guiltless by mine oath.

Quoth *Beauty*, No, it fitteth not
A prince herself to judge the cause;
Will is our justice, well ye wot,
Appointed to discuss our laws;
If you will guiltless seem to go,
God and your country quit you so.

Then *Craft* the crier called a quest,
Of whom was *Falsehood* foremost fere;
A pack of pickthanks were the rest,
Which came false witness for to bear;
The jury such, the Judge unjust,
Sentence was said, "I should be trussed."

Jealous the jailer bound me fast,
To hear the verdict of the bill;
George, quoth the Judge, now thou art cast,
Thou must go hence to *Heavy Hill*,
And there be hanged all but the head;
God rest thy soul when thou art dead!

Down fell I then upon my knee,
All flat before Dame *Beauty's* face,
And cried, Good Lady, pardon me!

Who here appeal unto your grace;
You know if I have been untrue,
It was in too much praising you.

And though this Judge doth make such haste
To shed with shame my guiltless blood,
Yet let your pity first be placed
To save the man that meant you good;
So shall you show yourself a Queen,
And I may be your servant seen.

Quoth *Beauty*, Well; because I guess
What thou dost mean henceforth to be;
Although thy faults deserve no less
Than Justice here hath judged thee;
Wilt thou be bound to stint all strife,
And be true prisoner all thy life?

Yea, madam, quoth I, that I shall;
Lo, *Faith* and *Truth* my sureties;
Why then, quoth she, come when I call,
I ask no better warrantise.
Thus am I *Beauty's* bounden thrall,
At her command when she doth call.

— George Gascoigne.

Petition for Guardian

[A scene in the probate court]

"YOU pray for a guardian over your son.
His name is — ah — Joseph? Is *this* man the one?"

"No, Jedge; that is William, the one that should be
Guardeen to his brother. Here's Joseph, by me."

"Well, hold up your hand. . . . Now, what is the ground?
Is the young man a spendthrift? *non compos?* unsound?"

"Well, Jedge, he's peculiar. Was always jest so
Sence he was a leetle one, larnin' to go.
Can't call him a fool, for he knows a big heap;
But it ain't any value to sell or to keep.
It's all about 'beauty' and 'love' and 'devotion'

And glories of airth and the stars and the ocean.
He thinks he hears voices that hold him from sleepin';
And sperrits are round him and he's in their keepin'.
He's chipper by spells; but he's full of his moods.
He'll hang his head down and not speak fer an hour.
I've sent him on arrants, in spring, through the woods,
And he'd get on his knees to every flower.
Nor yit he ain't lazy. He never would shirk:
When any's in trouble, my sakes! how he'll work!
But he'll work jest as quick for a man 'at can't pay
As if he was gettin' his dollar a day.
Nor he ain't jest a spendthrift. But what can ye call it?
He'll be ragged and give the last cent in his wallet.
He stood t'other day with a coin in his hand.
'Whose's money's this 'ere?' says he, turnin' to me.
Says I, 'It's the dollar ye airnt on the land.
Ain't it yourn if ye airnt it?' 'I airnt it,' said he,
'But the dollar ain't mine; if I keep it it's curst:
It belongs to the fellow that needs it the worst —
And I'm goin' to find him.' And so he put off.
'Twant never no use to laugh or to scoff.
I'm old, and I'll shortly be laid on the shelf,
And Joseph ain't fit to look out for himself.
But William is diff'nt, — takes after his dad.
Bill's got the first penny that ever he had!
He always took boot when he swapped with the boys,
Till he scooped all their jackknives and trinkets and toys.
He's smarter'n a trap, if I say it as oughtn't,
And the hook can't be baited so Bill can be caught on't.
And I've often told Joseph, if he'd be like Bill,
I'd do by 'em both jest alike in my will.
But I've gi'n it all up; and it's plain to be seen,
Joe'll never be nothin', 'less Bill is guardeen."

The Judge sat awhile, with a faraway look,
Then took up his docket and wrote in the book.
"I've found this question unusually hard.
It is, which should be guardian, which should be ward.
I shall give the appointment to William," said he,
"But, the chances are, Heaven will reverse the decree."

— Wendell P. Stafford.

Beside the Pines of Rye

[CECIL ANSWERS]

DEAR Rosamond: your letter
Has made me long to fling
Aside each cruel fetter
And, like a bird, take wing
Through leagues of airy reaches,
O'er miles of sunlit sky,
And seek the sandy beaches
Beside the pines of Rye.

But, Rosamond, the rosy
Enchantment fancy brings
Must fade before the prosy,
Most commonplace of things.
A penceless youth who hovers
O'er Blackstone, drear and dry,
Would seem the worst of lovers
Beside the pines of Rye.

It's pastoral, this farming,
And I am sure that you
Would find the country charming,
With drives and walks for two;
And not the smallest fraction
I'd care for aught, — not I!
Had I the one attraction
Beside the pines of Rye.

I spend rare days in trouting,
I pass all nights in dreams;
And ever, through the flouting
Of endless legal reams

That float through slumber's spaces,
My vision will espy
The tenderest of faces
Beside the pines of Rye.

And so 'mid work and pleasure,
One thought I ever find
(A thought I fondly treasure)
Is foremost in my mind,
That she whose firm devotion
Is fixed as stars on high,
Erelong will leave the ocean
Beside the pines of Rye.

— CLINTON SCOLLARD

The Lawyer

HIS order, ancient as the race,
A proud Republic stands;
Where Justice holds the highest place
And Mercy folds her hands.

Historic Time proclaims his worth
On carven stone and page,
And how his wisdom wrought the birth
Of Equity's great age.

Wielding the blessing and the ban,
His is a lofty fame;
A High Priest in the Court of Man,
His tithe — a spotless name.

A weaver of life's tapestry,
He sees the shuttle glide,
And learns the human misery
That mars the hidden side.

The World pours in his ear her tale
Of sorrow, sin, and shame;
His confidence, a sacred veil,
E'er guards it as a flame.

Powers and Thrones have known him well,
The anchor and the stay,
Whose sovran genius wrought the spell
That saved the State alway.

Maligned, misused, least understood
Of all earth's good and great,
Still true, he guides a thankless brood,
As passionless as Fate.

And when he stands, as stand he must,
In the Great High Court above,
His only plea, "Lord God, be just,
Adjudge, decree in love."

— THOMAS D. MORSE.

An Ancient Jurist

THERE was a jurist in the days of old
Whom grace of Fate made judge, it was a pity!
Some said that he was learned in Coke and Chitty,
And therefore had a right to roar and scold
And babble in a manner manifold.
So that the rumblings of a noisy city,
Scarce drowned his voice, he was so very witty,
Tempestuous and blustering and cold.
This legal Vulcan let the hammer drop
From day to day and fashioned strange decrees,
And made all suitors very ill at ease
Because he roared and found no way to stop.
A wag at last stuck up such words as these:
"This is a court, and not a boiler shop."

— EDGAR L. MASTERS.

An Agreed Statement of Facts

[AS TO THE ADMISSION OF MR. HIC JONES TO THE PAINT CREEK BAR, KANSAS]

JONES was young and unassuming, but the shrewd observer saw
Something that appeared abnormal in the structure of his jaw.

When the court convened, old Snipe-'em, with a voice like a guitar,
Offered Jones's application for admission to the bar.
Then the court looked wise and owly, and in slow, judicial tones
Ordered Snipe-'em, Brown, and Spot-'em first to analyze young Jones;
Saying, "Gentlemen, be thorough; at the opening of the court
We will skip the motion docket, and consider your report."

Sheriff Grabb then showed the party to the "ante-"room — upstairs,
Where a table stacked with gun wads had been checkmated with chairs.
It was four o'clock precisely; Spot-'em gently turned the key,
Saying, "Frauds, I'll act as banker — waltz your ducats up to me."

The analysis proceeded up to twelve or thereabout,
When the stock of ardent spirits unexpectedly gave out.

Spot-'em wrote a note to Julius, saying, "Julius, if you please,
Send us up a red-hot lunch for four; we're raking down for threes."
And an order for *frumenti* and cigars was sent by Brown,
Drawn on Thomas, of the "Wilder," chief nose-artist of the town.

The committee stopped for supper, readjusted all their loans,
And continued with fresh vigor their researches for young Jones.

Just about this time, "the district clerk of the aforesaid court"
By some unknown coincidence dropped in to see the sport.

Having hefted the *frumenti*, he did cheerfully reply
To their bland interrogations in regard to "chicken pie."
Unpaid fees in Spot-'em's cow case were discounted then by Brown,
Which the clerk took out in gun wads, most of which young Jones raked down.

At the hour of three precisely, after four successful raids,
Spot-'em raked down Snipe-'em's shirt studs on a hand composed of spades;
Snipe-'em took a dose of tonic and reluctantly resigned,
While the clerk, with sad bravado, went a collar button behind.

Hour by hour the game continued; Jones came in on every draw,
But no syllable proceeded from that strange, abnormal jaw.

On a bench snoozed Snipe-'em, sadly, in the corner of the room,
While the smoked-up coal-oil chimney cast a deep, sepulchral gloom;
And at times his troubled slumbering evoked unconscious moans,
As if saying, "It is difficult — this analyzing Jones."

At last the time at which the court should reassemble came;
It did not seem to influence the progress of the game;
They had not yet made up their minds concerning their report,
And here we leave them briefly while we look in on the court.

* * * * * * * * * *

A *pro tem.* judge was on the bench; two members of the bar
Assaulted twelve one-gallows men with words of legal war.
The way was this: It seems that Smith, in opening his case,
Had told the jury carelessly, as of some time or place,
That he had seen a real, dead mule; his language was not pat —

Of course nobody ever saw a mule as dead as that.
But still Smith was excusable — the heat of a debate
May lead a man unconsciously to slightly overstate.
Zeal for a client's lawsuit — the more if it be weak —
May make a lawyer's language go impalpably oblique.
But still, upon the other hand, an orator, forsooth,
Should try and keep his statements within gunshot of the truth;
And Smith was very careless in observance of the rule
To make so rash a statement in regard to any mule.
Its absurdness never struck him, for he never stopped to think;
All at once he dropped upon it when he saw a juror wink.
Now, if Smith had been sagacious, he immediately then
Would have modified that statement to those twelve one-gallows men —
Would have intimated mildly that it might have been a horse,
But he didn't; conscience smote him, and he sank down with remorse —
Folded up as folds a primrose when the gates of day are shut;
Folded up as folds a jackknife when a chaw of plug is cut.
The greater our experience the more we surely find
Remarks should be adaptable unto the hearer's mind.
Twelve preachers might have took it in, but Smith could never fool
Twelve citizens of Turkey Creek with reference to the mule.

Then up rose Lawyer Soak-'em; his lips were close compressed,
His left hand gripped his coat-tail, his right was on his breast;
He gazed on the "palladium"; his look was stern and high —
In thunder tones he emphasized Smith's statement as a lie;
And then, in terms that Soak-'em took occasion to adorn,
He branded him — denounced him — held him up to public scorn,
Pointed his finger at him, and, in allegoric sense,
He peeled Smith's epidermis off and hung it on the fence.
Then in a few pathetic words he made allusion to
The immortality of mules, which every juror knew.
The jury cheered the diction that in such profusion came,
And Smith — he writhed in agony of hopeless grief and shame.
The jury then were eulogized appropriately neat —

Of course they found for Soak-'em without rising from their seat.
But how they reached the merits of the case is not so clear,
For the action they were trying was replevin for a steer.
And then the restless, coatless, but appreciative crowd
Gave Smith "the great big horse-laugh," and he sat there cold and cowed.

* * * * * * * * * *

Hereupon came Brown and Spot-'em, Jones and Snipe-'em in the rear,
Arm in arm, each with his necktie dangling down below his ear;
Each one made a short, spasmodic pull upon his rumpled vest,
And, fronting up before the judge, the whole platoon right-dressed.

"Hic — your honor," said old Snipe-'em, with a voice diffused, yet sweet,
"Hic — we've ma' der 'zamination mor' n'er usual complete;
We've jus' gone — hic — thro' er can'idate; 's proficiency is fair,"
"Hic — you bet," said Brown, who eyed the court with mild and fishy glare.

"Went ri' through — hic — Jones," said Snipe-'em; "he z'all ri' — hic — on 'er law;
He can draw 'er chattel mortgage — or three aces ever' draw;
'Z got all Spot-'em's tex'-books and reports; mine, too — hic — hain't he, Brown?
Young — hic — Jones has got 'er principal law lib'ry now in town.

"'Z got 'er daisy moral character — Jones squarer 'an a string;
Raised old Spot-'em seventeen dollars, an' he didn't have a thing;
'Z by all means admit — hic — Jones 'er bar; 'ose book mus' stay in town;
Hic — old Spot's too full for utterance." "Zas so," responded Brown.

"Clerk, swear Hic Jones," old *pro tem.* said in language gruff and quick.

(The court supposed that Jones's antecedent name was "Hic.")
Then the clerk said somewhat vaguely, "You do swear — hic
— from 'is date,
You will solemn'y support 'er constitution of 'er State;
Be 'er lawyer of 'er bar from 'is date — hic — forthly hence.
(Hold up 'er han') — all ri' — hic — bob — so help you —
fifty cents."

Then the judge gave Jones a chromo; Jones received it with
delight,
And the whole platoon meandered, with a right flank — hic —
file right.

So delighted was a juror that the shingle nail was bust
That did duty as a button where the juror's jeans were trussed;
But the cardiac formation of young Smith was turned to stone —
Ah! how lurid Jones's future, and how dismal was his own.

* * * * * * * * * *

Years have passed, and Smith and Spot-'em have exuded from
the State;
Brown and Soak-'em work for Findlay, in the coal bank,
lifting slate;
Snipe-'em got in debt to every one, but Snipe-'em never frets —
They made him go to Congress so that he could pay his debts.

Jones is everywhere considered as a bright, peculiar star;
He's got one case they say will make his fortune at the bar;
Ejectment for a dam-site on the shores of Yellow Paint —
On that boulder-drifted shore,
Where the angry billows roar,
And the women loudly snore, whether they're asleep or ain't.

He has written and delivers an exceedingly fine lecture
On "Proceedings in Tribunals of Penultimate Conjecture";
And this very able thesis, though epitomized and short,
Contains the law for all the courts of *dernier* last resort.

Let us hope that Jones's future, so auspiciously begun,
May, like Snipe-'em's outlawed due-bills, have sufficient time
to run.

— Eugene Ware.

The Lawyers' Ways

I'VE been list'nin' to them lawyers,
In the courthouse up the street,
An' I've come to the conclusion
That I'm most completely beat.
Fust one feller riz to argy,
An' he boldly waded in
As he dressed the tremblin' pris'ner
In a coat o' deep-dyed sin.

Why, he painted him all over
In a hue o' blackest crime,
An' he smeared his reputation
With the thickest kind o' grime,
Tell I found myself a-won'rin',
In a misty way and dim,
How the Lord had come to fashion
Sich an awful man as him.

Then the other lawyer started,
An', with brimmin', tearful eyes,
Said his client was a martyr
That was brought to sacrifice.
An' he give to that same pris'ner
Every blessed human grace,
Tell I saw the light o' virtue
Fairly shinin' from his face.

Then I own 'at I was puzzled
How sich things could rightly be;
An' this aggrevatin' question
Seems to keep a-puzzlin' me.
So, will some one please inform me,
An' this mystery unroll —
How an angel an' a devil
Can persess the selfsame soul?

— Paul Laurence Dunbar.

A Case of Providence

OSQUIAH, Lawd!— don't be so quick!
I claims my rights, I's gwine ter kick!
I tells you plain right to yo' face
Dis ain't no common chicken case;
Jes' stop an' use yo' common sense,
Dis is er case ob Proverdence!

W'y, yes, I took dem chickens, sho',
As all dem sinful coppahs know!
Dey knows de how and whence — but I
Can give dis cote de reason why.
Jes' shete yo' eyes an' close yo' face
An' let me argyfy de case!
I puts my trus' an' my defense
Upon de groun' ob Proverdence.

Fus'ly, consider well de night,
Jes' light enuff, but not too light;
De folks all sleepin' safe an' sound;
Wid no fool dog er loafin' roun';
De alley open, cl'ar an' straight,
No pusson dar, de houah late,
A bo'd done busted off de fence,
A dead sho' sign ob Proverdence!

No lock was on de hen house do';
De chickens dey was roos'n low;
An' all deir laigs was down'ard stickin'
Instead or bein' on top de chicken,
An' dat's de propah way to hab
Yo' chickens fer a sweepin' grab;
Darfo, I argyfies dat, hence,
Dis waz a case ob Proverdence!

Dar wuz my pusson, ears an' eyes,
My mouf deranged fer chicken pies,
My han' fas' to er gunny sack
Confawmed to tote dem chickens back;
An' Proverdence jes' seemed ter say,
"What foh you waitin', anyway?
You Johnson, hussel like de dickens!
Perseed to 'similate dem chickens!"

W'at's dat, yo' honah? O my lan'!
Six months! How kin a hones' man
A trackin' Proverdence's trail
Run up ergin de county jail?
Dis is a bu'nin', blame disgrace!
Doggone my cats, I 'peals de case!
I 'peals her, wha' she oughter went,
Kersmack befo' de president!
McKinley knows de how and whence,
Likewise de why ob Proverdence?

— Howard S. Taylor.

The Loves of a Lawyer

I

I'LL bond myself unto her affluent eye,
For every look I'll sign me in her debt,
And if she ask for payment, by and by,
New will I bond so long as she will let.
Then I'll default that she may bid me in,
And she shall own me, heart and soul and all;
And if she say that I have done a sin,
And what she gets thereby be far too small
To cancel that I owe, I'll file a claim
For damages and set it forth in rhyme.
Had she not looked upon me, my good name
Were good name still, I solvent at this time.
How can she answer, knowing this be true?
We'll compromise, and I shall get my due.

II

She has a broad pre-emption in my heart
And dwells therein upon her stated claim.
Now, if the harvest yield its golden part
Of love for her, she'll tarry for the same,
But if the place prove stubborn to her skill
She'll seek another, so she says, and go
Where she may garner 'gainst the coming chill
Of time, nor feel the biting boast of snow.
So have I set to till the soil with care
And hedged it round about on every side,
And many fountains have I opened where
Was barrenness before; and regions wide,
All idle once, now blossom with fair trees:
She'll ask a deed when all this sight she sees.

— Charles G. Blanden.

Record of a Case

MR. LEACH made a speech,
Angry, neat, and wrong;
Mr. Hart, on the other part,
Was right, but dull and long;
Mr. Parker made that darker,
Which was dark enough without;
Mr. Cook quoted his book;
And the Chancellor said, "I doubt."

— Sir George Rose.

On a Statue of Justice

JUSTICE is blind, she hath no eyes to see
Her great offender's awful misery.
From sight to soul no swift petitions speed
To stay the punishment for man's misdeed.

But ah, not deaf! The penitential prayer,
Reaching her heart compels her hand to spare.
With sympathy her soul is quick to thrill,
Disguised as Justice, she is Mercy still.

— George H. Westley.

Self-Impeachment

THE man the doctors would call quack,
And clergy know by name of hack,
A pettifogger is, in law;
Who finds in practice many a flaw.

In country towns this limb best thrives,
And pleasure adds to quiet lives
Of rustic youth and loafers dire,
Who sit around the bar-room fire.

One such as this had to defend
The man who'd pleased with savory blend
The patrons of his tavern stand,
And so defied the law's command.

The chief defense this lawyer used
Was of the witness, much abused,
Who had to prove the plaintiff's case,
The character he would abase.

But now it happened, strange to tell,
The hostler was the one who fell
Into the clutches of this sage,
Who war against the law would wage.

Yet understood, it well should be,
The witness was not unfriendly:
But rather he impeached would be
Than that his friend should not go free.

So, as the witnesses were rare,
Who willingly on oath would swear
They'd not believe a single word
Of what the hostler had averred;

The pettifogger gave command
The hostler to resume the stand,
And in his desperation sheer,
Put forth to him the question clear:

"What, sir! in the community,
Is said of your veracity?"
The witness to oblige was glad,
And answered, "It is very bad.

"From reputation such as that,
If on a jury ere I sat,
And all others against me stood,
Believe myself I hardly could."

— JOHN D. TELLER.

A Client to His Lawyer

MY cause concerns nor battery, nor treason;
I sue my neighbor for this only reason,
That late three sheep of mine to pound he drove;
This is the point the court would have you prove:
Concerning Magna Charta you run on,
And all the perjuries of old King John;
Then of the Edwards and Black Prince you rant,
And talk of John o' Stiles, and John o' Gaunt;
With voice and hand a mighty pother keep:
— Now, pray, dear sir, one word about the sheep.

— MARTIAL'S EPIGRAMS, Translated by Hay.

Law

["MEASURE FOR MEASURE"]

WE must not make a scarecrow of the law,
Setting it up to fear the birds of prey,
And let it keep one shape, till custom make it
Their perch and not their terror.

ACT II., SCENE I. — WILLIAM SHAKESPEARE.

The Auctioneer and the Lawyer

A CITY Auctioneer, one Samuel Stubbs,
Did greater execution with his hammer,
Assisted by his puffing clamor,
Than Gog and Magog with their clubs,
Or that great Fee-fa-fum of War,
The Scandinavian Thor,
Did with his mallet, which (see Bryant's
Mythology), felled stoutest giants; —
For Samuel knocked down houses, churches,
And woods of oak, and elms, and birches,
With greater ease than mad Orlando
Tore the first tree he set his hand to.
He ought in reason to have raised his own
Lot by knocking others' down.
And had he been content with shaking
His hammer and his hand, and taking
Advantage of what brought him grist, he
Might have been as rich as Christie;
But somehow when thy midnight bell, Bow,
Sounded along Cheapside its knell,
Our spark was busy in Pall Mall
Shaking his elbow: —
Marking, with paw upon his mazzard,
The turns of hazard;
Or rattling in a box the dice,
Which seems as if a grudge they bore
To Stubbs; for often in a trice,
Down on the nail he was compelled to pay
All that his hammer brought him in the day,
And sometimes more.
Thus, like a male Penelope, our wight
What he done by day undid by night:
No wonder, therefore, if, like her,
He was beset by clamorous brutes,
Who crowded round him to prefer
Their several suits.

One Mr. Snipps, the tailor, had the longest
Bill for many suits — of raiment,
And naturally thought he had the strongest
Claim for payment.
But debts of honor must be paid,
Whate'er becomes of debts of trade;
And so our stylish Auctioneer,
From month to month throughout the year,
Excuses, falsehoods, pleas, alleges;
Or flatteries, compliments, and pledges;
When in the latter mood one day,
He squeezed his hand, and swore to pay.

"But when?" "Next month, you may depend on't,
My dearest Snipps, before the end on't;
Your face proclaims, in every feature,
You wouldn't harm a fellow creature —
You're a kind soul, I know you are, Snipps." —
"Aye, so you said six months ago;
But such fine words, I'd have you know,
Butter no parsnips."
This said, he bade his lawyer draw
A special writ,
Serve it on Stubbs, and follow it
Up with the utmost rigor of the law.

This lawyer was a friend of Stubbs;
That is to say,
In a civic way,
Where business interposes not its rubs;
For where the main chance is in question,
Damon leaves Pythias to the stake,
Pylades and Orestes break,
And Alexander cuts Hephæstion;
But when our man of law *must* sue his friends,
Tenfold politeness made amends.

So when he meets our Auctioneer,
Into his outstretched hand he thrust his
Writ, and said with friendly leer,
"My dear, dear Stubbs, pray do me justice;

In this affair I hope you see
No censure can attach to me —
  Don't entertain a wrong impression;
I'm doing now what must be done
  In my profession." —
  "And so am I," Stubbs answered with a frown;
So crying, "Going — going — going — gone!"
  He knocked him down.

— Horace Smith.

A Referee Case

THREE goddesses, long, long ago,
  The poets tell us,
Sat for inspection in a row
  Extremely jealous.

You've heard it, — what the partialness
  Of Paris ends in,
And what a pretty ten years' mess
  He gets his friends in.

* * * * * * * *

Hera and Pallas, malcontents
  At Venus's reign,
Said, "Now young men have got more sense,
  Let's try again."

And Aphrodite's laughing eyes
  Smile glad consent;
She has no fear to lose her prize,
  And well content,

Knows what a power to-day, as then,
  A lovely maid is, —
Knows well that mankind still are men,
  And love the ladies.

So when upon their rival thrones
  The three were placed,
They called upon young Lawyer Jones, —
  A man of taste.

Gave him an apple ripe and sweet,
And then desired
That he should lay it at her feet
He most admired.

Then each in graceful pose the goddesses
Waited all three,
With eager eyes and heaving bodices,
For his decree.

With such a problem, Jones, too wise
To try to grapple,
Opened his mouth, and shut his eyes, —
And ate the apple.

— Francis Dana.

The Briefless Barrister

A BALLAD

AN Attorney was taking a turn,
In shabby habiliments drest —
His coat it was shockingly worn,
And the rust had invested his vest.

His breeches had suffered a breach,
His linen and worsted were worse;
He had scarce a whole crown in his hat,
And not half a crown in his purse.

And thus as he wandered along,
A cheerless and comfortless elf,
He sought for relief in a song,
Or complainingly talked to himself: —

"Unfortunate man that I am!
I've never a client but grief:
The case is, I've no case at all,
And in brief, I've ne'er had a brief!

"I've waited and waited in vain,
  Expecting an 'opening' to find,
Where an honest young lawyer might gain
  Some reward for toil of his mind.

"'Tis not that I'm wanting in law,
  Or lack an intelligent face,
That others have cases to plead,
  While I have to plead for a case.

"Oh, how can a modest young man
  E'er hope for the smallest progression,—
The profession's already so full
  Of lawyers so full of profession!"

While thus he was strolling around
  His eye accidentally fell
On a very deep hole in the ground,
  And he sighed to himself, "It is well!"

To curb his emotions, he sat
  On the curbstone the space of a minute,
Then cried, "Here's an opening at last!"
  And in less than a jiffy was in it!

Next morning twelve citizens came
  ('Twas the coroner bade them attend),
To the end it might be determined
  How the man had determined his end!

"The man was a lawyer, I hear,"
  Quoth the foreman, who sat on the corse.
"A lawyer? Alas!" said another,
  "Undoubtedly died of remorse!"

A third said, "He knew the deceased,
  An attorney well versed in the laws,
And as to the cause of his death,
  'Twas no doubt for the want of a cause."

The jury decided at length,
After solemnly weighing the matter,
That the lawyer was drowned, because
He could not keep his head above water!

— JOHN GODFREY SAXE.

An Epigram

TO THE COUNSELOR THAT PLEADED AND CARRIED THE CAUSE

THAT I hereafter do not think the bar,
The seat made of a more than civil war,
Or the great hall at Westminster, the field
Where mutual frauds are fought, and no side yield,
That henceforth I believe nor books, nor men,
Who 'gainst the law weave calumnies, my Benn;
But when I read or hear the names so rife,
Of hirelings, wranglers, stitchers-to of strife,
Hook-handed harpies, gowned vultures, put
Upon the reverend pleaders; do now shut
All mouths that dare entitle them, from hence,
To the wolf's study, or dog's eloquence;
Thou art my cause: whose manners since I knew,
Have made me to conceive a lawyer new.
So dost thou study matter, men, and times,
Mak'st it religion to grow rich by crimes;
Dar'st not abuse thy wisdom in the laws,
Or skill to carry out an evil cause:
But first dost vex, and search it! if not sound,
Thou prov'st the gentler ways to cleanse the wound,
And make the scar fair; if that will not be,
Thou hast the brave scorn to put back the fee!
But in a business that will bide the touch,
What use, what strength of reason, and how much
Of books, of precedents hast thou at hand!
As if the general store thou didst command
Of argument, still drawing forth the best,
And not being borrowed by thee, but possest.
So com'st thou like a chief into the court

Armed at all pieces, as to keep a fort
Against a multitude; and, with thy style
So brightly brandished, wound'st, defend'st! the while
Thy adversaries fall, as not a word
They had, but were a reed unto thy sword.
Then com'st thou off with victory and palm,
Thy hearer's nectar, and thy client's balm,
The court's just honor, and thy judge's love.
And (which doth all achievements get above)
Thy sincere practice breds not thee a fame
Alone, but all thy rank a reverend name.

— Ben Jonson.

Report of an Adjudged Case

BETWEEN Nose and Eyes a strange contest arose,
The spectacles set them unhappily wrong;
The point in dispute was, as all the world knows,
To which the said spectacles ought to belong.

So Tongue was the lawyer, and argued the cause
With a great deal of skill, with a wig full of learning;
While Chief Baron Ear set to balance the laws,
So famed for his talent of nicely discerning.

In behalf of the Nose, it will quickly appear,
And your lordship, he said, will undoubtedly find,
That the Nose has had spectacles always in wear,
Which amounts to possession time out of mind.

Then holding the spectacles up to the Court,
Your lordship observes they are made with a straddle
As wide as the bridge of the Nose is; in short,
Designed to sit close to it, just like a saddle.

Again: would your lordship a moment suppose
('Tis a case that has happened, and may be again)
That the visage, or countenance, had not a Nose,
Pray who would, or who could, wear spectacles then?

On the whole, it appears, and my argument shows,
With a reasoning the Court will never condemn,
That the spectacles plainly were made for the Nose,
And the Nose was as plainly intended for them.

Then shifting his side (as a lawyer knows how),
He pleaded again in behalf of the Eyes;
But what were his arguments few people know,
For the Court did not think they were equally wise.

So his lordship decreed, with a grave, solemn tone,
Decisive and clear, without one if or but,
That whenever the Nose put his spectacles on,
By daylight or candle-light, Eyes should be shut!

— WILLIAM COWPER.

The New Lawyer

WEALTHY, crabbed, and litigious,
With a hatred quite prodigious
For everything that bore the name or form of woman,
All devoid of social tillage,
Pirate tempered, fit for pillage,
Jeremiah Jones was considered quite inhuman.

Ever ready for a battle
With a neighbor over cattle,
Over boundary and ditches and over fences;
When his last lawsuit was ended,
With the lawyer who'd defended
Him he'd quarrel on the flimsiest of pretenses.

Finally everybody feared him;
Even agents quailed to beard him
With their books and trees and similar commodities,
And no lawyer in the county
Would for largest fee or bounty
Take his cases and endure his whims and oddities.

So through force of circumstances
He was cut off from Law's chances
Till his pent-up litigious longings made him tingle,
And his "love of law" controlled him
When a neighbor one day told him
That a "New Lawyer" in the town had swung a shingle.

Neither time nor talk he wasted:
Hotly to the town he hasted,
There to quench his choking thirst for litigation
In the fountain whence the torrent
Of the summons, writ, and warrant
Once more would flow for his especial delectation.

He trumped up a score of cases,
Each with twenty different faces,
Which he laid against as many of his neighbors;
Then with old-time joy a-tingle
Banged the knocker 'neath the shingle
Where the much-talked-about "New Lawyer" plied his labors.

All the townsmen smiled in wonder
As they heard the knocker thunder
And saw Jeremiah prepare the door to enter,
And they stood and watched and waited
With their very breathing bated,
Till that office of the law was a psychic center.

To his knocker-rap imperious
Came a rustle all mysterious,
And the crisp creaking of a dainty shoe surprised him,
And when open swung the portal,
Jones was an astonished mortal,
And all his startled faculties to flee advised him,

For before him blushed a maiden
With the charm of sweet youth laden,
With eyes of blue and hair of blond and cheeks like roses,
Red lips parted over whiteness,
Plumpness scarcely veiling slightness,
And O! the daintiest of small retroussé noses!

He had thought to find a fusty,
Dusty, musty, crusty, lusty
Limb of the law of the usual masculine gender,
And this female apparition
Made him fit for a commission
Rightly labeled "De Lunatico Inquirendo."

At last all his mixed wits clamored:
"Where's the lawyer?" thus he stammered,
While his heart was thumping and he felt a dizziness,
Till in the office he was landed,
And his charming hostess handed
Him her card, that showed her name and business.

Thus it read: "*A. May McBurnie,*
A.M., Counselor, Attorney,
Notary Public, Barrister and Deed Commissioner.
Prompt attention always given.
Office hours from 9 to 11.
P.S. — Full-fledged Supreme Court Pleader and Practitioner."

She smiled demurely, and at leisure
She took Jeremiah's measure,
As he glared upon her perfumed card and mumbled.
He just hemmed and hawed and stuttered,
And his heart in strange ways fluttered,
And when he tried to state his case, he simply stumbled.

Thus poor Jerry, dazed and stupid,
Through the evil wiles of Cupid
Was reduced to a state of hopeless imbecility,
And the fair A. May McBurnie,
A.M., Counselor, Attorney,
Read his passioned plight with woman's clear facility.

Then poor Jerry courage mustered,
Straightened up, became less flustered,
And then plead his case in abrupt, but manly fashion,
With the sweet A. May McBurnie,
A.M., Counselor, Attorney,
And, to make the story short, she returned his passion.

Through a happy year they "courted,"
Then the papers all reported,
In glowing words displayed in column after column,
That the sweet A. May McBurnie,
A.M., Counselor, Attorney,
And Jeremiah Jones were joined in wedlock solemn.

Now the pleasant, happy fact is
She has given up law practice,
And she rules over Jeremiah Jones converted.
The once savage Jeremiah
Will not anything deny her,
And her whim is his law whene'er it is asserted.

Her town office is forsaken,
Or it rather has been taken
By another lawyer, who's merely a male mortal;
Jeremiah never lingers
O'er its knocker with his fingers,
And never puts his face or foot within its portal.

Sweet A. May McBurnie-Jones
Ne'er employs attorney tones
When her husband pleads his case, but she is gracious,
And when she's extra tender he
Just pleads "non vult contendere,"
And says to her, "*De bo. et ter fieri facias.*"

Wealthy, cordial, non-litigious,
With a love that's quite prodigious
For the "New Lawyer," whom he found a sweet "New Woman,"
Angel-tempered through her tillage,
Every one in town and village
Now thinks Jeremiah Jones-McBurnie really human.

— Henry A. van Fredenberg.

Eulogy of the Law

THOU angel sent amongst us, sober Law,
Made with meek eyes, persuading action;
No loud immodest tongue — voiced like a virgin,
And as chaste from sale,
Save only to be heard, but not to rail —
How has abuse deformed thee to all eyes!
Yet why so rashly for one villain's fault
Do I arraign whole man? Admired Law!
Thy upper parts must needs be wholly pure
And incorruptible — th' are grave and wise;
'Tis but the dross beneath them, and the clouds
That get between thy glory and their praise,
That make the visible and foul eclipse;
For those that are near to thee are upright,
As noble in their conscience as their birth;
Know that damnation is in every bribe,
And rarely put it from them — rate the presenters
And scourge 'em with five years' imprisonment
For offering but to tempt 'em:
This is true justice, exercised and used;
Woe to the giver, when the bribe's refused.
'Tis not their will to have law worse than war,
Where still the poorest die first,
To send a man without a sheet to his grave,
Or bury him in his papers;
'Tis not their mind it should be, nor to have
A suit hang longer than a man in chains,
Let him be ne'er so fastened.

— THOMAS MIDDLETON.

The First Client

JOHN SMITH, a young attorney, just admitted to the bar,
Was solemn and sagacious as — as young attorneys are;
And a frown of deep abstraction held the seizin of his face —
The result of contemplation of the rule in Shelly's Case.

One day in term-time Mr. Smith was sitting in the Court,
When some good men and true of the body of the county did on their oath report,
That heretofore, to wit: upon the second day of May,
A.D. 1877, about the hour of noon, in the county and state aforesaid, one Joseph Scroggs, late of said county, did then and there feloniously take, steal, and carry away

One bay horse, of the value of fifty dollars, more or less
(The same then and there being of the property, goods, and chattels of one Hezekiah Hess),
Contrary to the statute in such case expressly made
And provided, and against the peace and dignity of the state wherein the venue had been laid.

The prisoner, Joseph Scroggs, was then arraigned upon this charge,
And plead not guilty, and of this he threw himself upon the country at large;
And said Joseph being poor, the Court did graciously appoint
Mr. Smith to defend him — much on the same principle that obtains in every charity hospital, where a young medical student is often set to rectify a serious injury to an organ or a joint.

The witnesses seemed prejudiced against poor Mr. Scroggs;
And the district attorney made a thrilling speech, in which he told the jury that if they didn't find for the state he reckoned he'd have to "walk their logs."
Then Mr. Smith arose and made his speech for the defense,

Wherein he quoted Shakespeare, Blackstone, Chitty, Archbold,
Joaquin Miller, Story, Kent, Tupper, Smedes, and Marshall, and many other writers, and everybody said they
"never heered sich a bust of eloquence."

And he said, "On *this* hypothesis, my client must go free;"
And, "Again, on *this* hypothesis, it's morally impossible that
he could be guilty, don't you see?"
And, "Then, on *this* hypothesis, you really can't convict;"—
And so on, with forty-six more hypotheses, upon none of
which, Mr. Smith ably demonstrated, could Scroggs be
derelict.

But the jury, never stirring from the box wherein they sat,
Returned a verdict of "guilty"; and his Honor straightway
sentenced Scroggs to a three-year term in the penitentiary,
and a heavy fine, and the costs on top of that;
And the prisoner, in wild delight, got up and danced and
sung;
And when they asked him the reason of this strange behavior,
he said; "It's because I got off so easy — for if there'd
ha' been a few more of *them darned hypothesises*, I should
certainly have been hung!"

— Irwin Russell.

The Thirteen Maxims of Equity[1]

EQUITY follows the law, regards what should be done.
To reach the substance every form looks through,
On strictly equal plane puts every one;
Who seeks her aid, himself must justice do.

With hands unstained her suitors all must be;
With equal right the first in time prevails;
With equal right the law controls decree;
The wakeful, not the sleeping, turns her scales.

[1] See Notes.

To each she will impute a purpose fair,
Each legal right her ample power protects.
She acts alone on persons everywhere,
The very thing that should be, she directs.

— ROBERTSON PALMER.

In Woman's Praise

STRIKE, O Legal Muse, thy lyre,
In lovely woman's praise,
Who sheds a luster 'round our lives
And brightens all our days!

She's been the glory of the world,
E'er since said world began;
And to the contrary runneth not
The memory of man.

Whereas, her face is beautiful
(To wit: her eyes of light,
And divers rosy, pouting lips,
And sundry cheeks so bright;

Likewise her fair and noble brow,
Her lovely smile and dimple) —
She holds possession of our souls
In absolute fee simple.

Her title to our hearts was fixed,
By Heaven's adjudication,
And never can our love for her
Expire by limitation.

In all the divers walks of life
She sways a queenly scepter:
There is no one upon the earth
Who rules the heart, except her.

Under full age, as sweetheart dear
(Such is our firm conviction),
She rules all those who come to court
Within her jurisdiction.

She sits as Judge in Love's Moot Court,
To hear pleas of the soul,
And issue warrants of distress,
Tho' always by parol.

But when, at last, the lucky one,
His declaration files,
A fond Attachment is confessed
With many blushing smiles;

And then with valid notice given,
The ecclesiastics come,
And join in Special Partnership,
"Two hearts that beat as one."

And all through life, as mother, wife
(The world will indorse these sentiments),
Our messuages she fills with joy,
And gladdens all our tenements.

She is an angel on the earth,
A goddess, warm and true;
Such was she thought at Common Law,
And in America too.

And now we've tried, as herein shown,
Her glories to reveal;
And this we are ready to verify:
Witness our hand and seal.

JOHN DOE. (Seal.)

—SHEPPARD BARCLAY.

Ballade of the General Term

EACH in his high official chair;
One who presides; two plain J. J.
Decent of mien and white of hair
They sit there judging all the day.
The gravity of what they say
Bent brows and sober tones confirm;
Brown, Jones, and Robinson are they,
Justices of the General Term.

I see the learned counsel there
  Rise up and argue, move and pray;
Attorneys with respectful air
  Their perspicacity display.
  Serenely joyous if they may
Of justice keep alive the germ;
  Motion and argument they weigh,
Those justices of General Term.

That court I haunt, not that I care
  For Justice in a general way;
Nor yet because I hope to share
  With any one a client's pay.
  The reason why I there delay
And on the court's hard benches squirm
  Is that of Love I am the prey —
Her father's of the General Term.

ENVOY

I look at him with dire dismay —
  Scorched by his eye I seem a worm.
"Dismissed with costs," is what he'll say —
  That Justice of the General Term.

— Edward S. Martin.

A Lawyer's Appetite

"FRIEND White," said client Brown one day
  (Brown was an epicure),
"Though lawyers are well fed they say,
  You're hungry, I am sure;
So let your musty law-books be
And come and dine to-night with me."

"Thanks for your kindly sympathy,"
  Said White with lofty smile,
"But after all it seems to me
  'Tis hardly worth your while,
For there's enough, — as you'll infer, —
Provision in the statutes, sir."

— Jean La Rue Burnett.

Contrasts in Court

THIS advocate, in confidence so weak
He scarce can muster breath enough to speak,
And gets each sentence by a painful wrench,
Wears in his hat more wit than half the Bench.

This other, self-assertive, shallow, loud,
Would still harangue his judges like a crowd,
Though Cicero himself were seated there
In full-robed splendor in his ivory chair.

— WENDELL P. STAFFORD.

Self-Defense

[QUI I EXCUSE ACCUSE]

OLD Farmer Jones, one Sunday morn,
Was driving home from mass,
Upon his buckboard, old as Job,
Drawn by an agéd ass.

The day was bright, but not so he,
For difficult, alas!
Was it to choose the bigger fool,
The farmer or his ass.

The road just broad enough for one,
It was a sorry plight;
When two thick farmers met thereon
'Twas sure to end in fight.

Now down this road, behind his mare,
Came old man Huckleback,
And when they met, would not turn out,
But gave that ass a whack.

Old Farmer Jones resented this,
And with disastrous haste
He gave thick Farmer Huckleback
A most effective paste.

Thick Farmer Huck, he vowed that he
Would sue old Farmer Jones;
Recover heavy damages
For all his broken bones;

And straightway to his lawyer went,
Who framed without a fault,
Concisely and in language high,
An action for assault.

And when the summons had been served,
To his lawyer Jones did go,
And told him how thick Huck had struck
His ass a heavy blow.

And that in consequence of this,
With just resentment, he
Had struck thick Huck a heavy blow
Upon his gouty knee.

And after cogitating long
With show and much pretense,
The lawyer said, "Your only hope
Is to plead self-defense.

"Whereas thick Huck did strike your ass,
'Twas just as if 'twere you;
You and your ass are just as one,
The court will take this view."

Then Jones waxed hot, "No, this won't do,
I would not let that pass;
How dare you say the court would call
Me, Farmer Jones, an ass."

The learned lawyer labored hard
To make him comprehend,
Against attack upon his ass
He could with right defend.

"This is not calling you an ass;
We *must* plead self-defense,
Or for the blow you gave thick Huck
He will get recompense."

"I do not care," says Farmer Jones,
"The damage I will pay,
Much rather than, 'Jones is an ass,'
I'd have the jury say."

The lawyer argued long and wise,
It was without avail;
In combat with such ignorance,
The gods themselves must fail.

— Otto M. Sternfeld.

A Carman's Account of a Lawsuit

MARRY, I lent my gossip my mare, to fetch hame coals,
And he her drounit into the quarry holes;
And I ran to the consistory, for to pleinyie,
And there I happenit amang ane greedie meinyie.
They gave me first ane thing they call *citandum*,
Within aucht days I gat but *libellandum;*
Within ane month I gat *ad opponendum;*
In half ane year I gat *inter-loquendum;*
And syne I gat, — how call ye it? — *ad replicandum;*
Bot I could never ane word yet understand him:
And then they gart me cast out mony placks,
And gart me pay for four-and-twenty acts.
Bot or they came half gate to *concludendum*,
The fiend ane plack was left for to defend him.
Thus they postponed me twa year with their train,
Syne, *hodie ad octo*, bade me come again;

And then thir rooks they rowpit wonder fast
For sentence, silver, they cryit at the last.
Of *pronunciandum* they made me wonder fain
Bot I gat never my gude gray mare again.

— Sir David Lyndsay.

Ode

TO MY GOOD FRIEND, THE MOST MERCIFUL JUDGE ——

O ——, whose *fair* heart so full of love,
Melts, snow-like, on the victim void of hope;
Whose conscience stretches like the softest glove,
To save the sighing culprit from the rope!
To *thee*, in Virtue's stoutest armor, strong,
Permit thy *friend* and bard to pour the song.

O let us drag the *foes of man* to-day,
And hang them like *thy rats*[1] upon our lay,
Murd'rers that strike the cheek of Horror pale!
Whose morals give contagion to a *jail*.

Illumined, ah! too oft by Fortune's rays,
A pigmy wretch is shown in yon huge house;[2]
Just as the solar microscope displays
A mite, a flea, a bug, a dirty louse.

A judge *may* rise, despising Nature's groan;
A villain, in damnation sunk so deep,
That Vice, black Vice, shall ne'er be *idle* known,
But when the fur-clad monster falls asleep!

Just as the hackney coachmen curse aloud
Kind Sol, who dissipates a threatening cloud,
Dark-hov'ring, wishing much his power to show,
And bid his deluge drown the world below;

[1] Hereby hangs a pretty little tale. [2] Westminster Hall.

Just as the restless demon of the night
Low'rs on the maiden blush of orient light,
And skulks into the charnel's murky shade;
A judge *may* rise, whose scowl shall curse the smile
Of Justice, who so long has blest our isle,
And strike with ruffian fist the heav'nly maid.

Where is the judge, in *murder* only brave,
Whose soul delights to feed the gaping grave;
Who on the convict's pale cheek feasts his eyes;
Whose heartfelt sounds are Hope's expiring sighs?

Where is the happy patron of the rope,
Whose eyes on *seas* of blood would gladly ope;
Fresh hecatombs of carnage, ev'ry morn:
Whose ear could *live* on Virtue's deepest groan;
Stretch ev'n to *pain*, to catch her last faint moan,
Poor writhing wretch, by ev'ry torture torn?

There's no such damned judge, — but let me say,
So foul a spirit *may* disgrace the day.

Where is the judge, who 'midst his shrinking vale,
Walks forth, ah! not to hear the turtle's tale;
But with a happy, keen, and sparkling eye,
To see the kite with fury sweep the sky;
Now in his iron talons bear along,
The lark which charmed the season with his song?

To *such* Dame Nature never yet gave birth —
But *such* a miscreant vile *may* curse the earth.

Where is the judge who courts the gloom of night,
Charmed with the owl's and bat's and beetle's flight,
And sees with joy the spectered band pass by;
With rapture listens to their piteous wail,
Now follows hard to catch the mournful tale,
And sorrows when the phantoms 'scape his eye?
A judge, like *this*, to bid poor Nature mourn,
Was never *yet*, thank Heaven! but *may* be born.

Where is the judge who walks the foaming shore
At midnight, 'midst the ruthless tempest's roar,
When Fate and Horror ride the thund'ring deep;
Who, for the cormorant's broad pinion sighs,
To mingle with the tumult of the skies,
And join the whirlwind's wild, resistless sweep;

To hover o'er the darkened scene of death,
And triumph in the seaman's shrieking breath;
Charmed with each mountain surge, for life that raves;
Charmed as the arm of Fate, with cruel shock,
Heaves the huge vessel on the groaning rock,
And rends it piecemeal, 'midst a world of waves?

"There's no such man, nor ever was," you cry:
Sweet judge, dear, dove-like ——! so say I.
But *may* there not a dev'l like this appear?
Life deals in monsters much too oft, I fear!

O Devon, parent of immortal men,
O should thy beauteous bosom prove a den,
To hold and suckle such an imp of shame;
Know, to the poet though thou gavest birth,
With soulfelt ardor will I wish thy death,
Renounce thy blasted soil, and change my name.

— John Wolcot.

In the Record Room, Surrogate's Office

A TOMB where legal ghouls grow fat;
Where buried papers, fold on fold,
Crumble to dust, that 'thwart the sun,
Floats dim, a pallid ghost of gold.
The day is dying. All about,
Dark, threat'ning shadows lurk; but still
I ponder o'er a dead girl's name
Fast fading from a dead man's will.

Katrina Harland, fair and sweet,
  Sole heiress of your father's land,
Full many a gallant wooer rode
  To snare your heart, to win your hand.

And one, perchance — who loved you best,
  Feared men might sneer — "He sought her gold" —
And never spoke, but turned away
  Stubborn and proud, to call you cold.

Cold? Would I knew! Perhaps you loved,
  And mourned him all a virgin life.
Perhaps forgot his very name
  As happy mother, happy wife.
Unanswered, sad, I turn away —
  "You loved *her* first, then?" *First* — well — no
You little goose, the Harland will
  Was proved full sixty years ago.

But Katrina's lands to-day are known
  To lawyers as the Glass House tract;
Who were her heirs, no record shows;
  The title's bad, in point of fact,
If she left children, at her death,
  I've been retained to clear the title;
And all the questions raised above,
  Are, you'll perceive, extremely vital.

— George A. Baker, Jr.

Ballade of Barristers

[irregular]

TO the shy, sweet face that I saw this morning,
  I toss this kiss from my window-sill,
And mayhap my partner will give me warning
  If I shove not quicker my gray goose-quill.
I've twenty folios yet to fill.
So it's Blue Eyes, Down! till this deed is drawn;
For Maiden Lane's not a lover's lawn,
  And the rattle of Broadway never is still.

From seal and parchment and dust-covered papers,
My thoughts fly back to her — *willy-nil.*
I lunch at Cable's on lamb and capers,
And a secret bumper I drain with Phil,
And I smile when he leaves me to pay the bill.
Oh, it's Blue Eyes, Down! till this deed is drawn;
For Maiden Lane's not a lover's lawn,
And the rattle of Broadway never is still.

My office is no conservatory;
It's walls are like blanks for a clerk to fill;
But that mignonette, jasmine, and morning-glory
The charms of a whole hothouse would kill —
In the white vase there, on the window-sill.
But it's Blue Eyes, Down! till this deed is drawn;
For Maiden Lane's not a lover's lawn,
And the rattle of Broadway never is still.

ENVOY

Barristers! with brief-bags to fill,
It's Blue Eyes, Down! till the deeds are drawn;
For Maiden Lane's not a lover's lawn,
And the rattle of Broadway never is still.

— C. C. STARKWEATHER.

Prescription

[TRANSLATED FROM THE GERMAN]

THAT learned lawyer, Lucius Gay,
Studied his Bracton night and day;
Sometimes in Brooke his mind did soak,
Then broiled his intellect on Coke.
His wife, as lovely as a dream,
Sat all alone and sewed a seam,
Or with her female gossips three
Imbibed at eve the cheerless tea:
While in his study night and day,
Glued to his book sat Lucius Gay.
One day at last on Washburn's page

About Prescription learned the sage,
A right unused for certain years
Is gone forever, it appears.
A sudden thought inspired the man,
Straight to his lovely spouse he ran;
He kissed her on her lips so soft,
And in his arms embraced her oft,
Full sweetly smiled the wife at this;
Five years and more she lacked a kiss.
Consumed with curiosity,
"My darling husband," queried she,
"Why, after long, long years, my own,
Have you at last so loving grown?"
"Why?" answered he, with wit profuse,
"To break the chain of adverse use.
Six years' neglect of osculation
Destroys the right by limitation:
Now time begins to run anew;
Safe for six years my rights in you."
He spoke, and to his books returned,
And many another marvel learned.

—J. H. Beale, Jr.

The Judge's Charge

THE judge's charge was clear and plain,
It meant his side the suit should gain;
But hours he waited, and report
The jury none made to the court.
"Go, bring them in, and we will see
What may their trivial problem be;
Perhaps some technical word of art,
Or else some juror oversmart."
The bailiff went, filed in the array,
The judge the silence broke to say,
"A verdict, gentlemen, have you found?"
The foreman spoke, and somewhat frowned,
"Your Honor, we are eleven to one."
"And tell me, pray, who may he be.
Perhaps he does not clearly see

The points the court made in its charge,
I may repeat them more at large."
"No," said the foreman, "naught can change
Him in his fixed opinion strange;
We've argued long, he takes a pride
In arguing always on your side."

— JOHN AUGUSTUS WILSTACH.

The Wooing O't

A LAWYER once, unlike most of his class,
A modest man, fell dead in love. A lass
He worshiped quite, but still his secret kept
Till up the scale his cautious courage crept,
And, well assured no one his purpose knew,
He started out with this sole aim in view —
To wit, to woo.

His way led through a wood, the shadows fell,
His waning courage shadowy grew as well,
Until he asked himself, disheartened quite,
"Why am I here at this time of the night?"
An answer from a tree-top loud and clear,
In legal language couched, fell on his ear —
"To wit! to woo!"

He fled in fear, although he no one saw;
For fear, like many a lawyer, knows no law.
The bird of wisdom perching overhead
Slow flapped his wings, winked warily, and said:
"Why should this be? Such haste I never knew.
He sure an unwise purpose had in view —
To wit! to woo!"

ENVOY

Take well to heart this text drawn from the wood:
Your modest wooer never comes to good.
Though all the world your secret clearly knows,

And through unheard-of shades your pathway goes,
Let not your courage fail whate'er you do;
Your wit keep always clearest when you woo.

— William Howard Carpenter.

Legal Meditations

WHAT use to me is "Byles on Bills"?
For "Jarman on the Law of Wills"
I wouldn't give a jackstone.
Nor would I give another for
"Juries and Jury Trials," nor
Coke, Bacon, Parsons, Story, or
Fearne, Chitty, Kent, or Blackstone.

Will Byles help me to pay the bill
I owe for flowers? Can *her* will
Be changed by reading Jarman?
What's "Greenleaf's Evidence" to me?
Or Littleton? Or Parker? He
Is drier than theosophy —
Yes, worse than any Brahmin.

And "Kneeland on Attachments," too,
Has nothing in it that will do —
The title is misleading.
And though through dusty books I read,
Alas, I ne'er can learn to plead
In Cupid's Court, so she will heed,
From "Stephen's Rules of Pleading."

"Collyer on Partnership" I've read,
And vainly too; "Contracts to Wed,"
By some one named Fitzsimmon.
Nor does it seem to help me on
That "Marriage Settlements" I con,
Or Schouler's learned book upon
"The Law of Married Women."

There is no statute I can find
Will make a maiden change her mind;
  Nor know I where the place is
To find a law to help me win
A suit like mine — or I'd begin
To search it out. It isn't in
  My set of "Leading Cases."

But "Baylies on Appeals"! Ah, there
Is just the answer to my prayer!
  I know now how to do it.
From her decision — by the Seal
Of all the Courts! — I will appeal;
And that will make the verdict *nil*
  Until I can review it.

— James G. Burnett.

The Crinoline Case

[61 N.Y. 621]

GREAT Justice, Goddess of the Sword and Scales! —
  And thou, O Themis of disputive tongue,
Supplant the Muse, who lamentably fails
  To sing this matter as it should be sung,
Take up her lyre, and bid her hold her jaw,
And hear *you* talk, — for what knows *she* of Law?

In 61 N.Y. 621,
  (*Poulin against Broadway and Seventh Avenue Company,*) after his last fight was done,
  The counsel for the Railroad moved to have a new
Trial, because the Court had had the gall to
Charge in a way he thought there was no call to.

It was a case that cast into the shade
  All past proceedings, — civil, yea, and criminal:
On one side angry Beauty stood arrayed
  (In hoop skirts) warring for the right of women all
To dress as suits 'em, — warring very properly
Against the tyranny of a brute monopoly.

Dame Fashion had that year decreed a *fat* form
For ladies, and that hoop skirts must prevail:
Thus clad, the Plaintiff from a horse-car platform
Alighted, heedless of Defendant's nail,
Which, peeping forth, its rusty head entangled
In the wide hoop that round her person dangled.

Unconscious of the danger, she descended;
When the Defendant's negligent conductor,
Ere her catabasis was fully ended,
Started the car — the nail held fast, and chucked her
Heels overhead, and calling on her gods,
On the hard road, and yanked her several rods.

Defendant's counsel asked the Court to charge
(His mien more mandatory was than prayerful)
That when young women wore their skirts so large
They'd got to get around uncommon careful,
Or bear the *damnum*(!) consequent on wearing
Things that scare horses and set men folks swearing:

That when a nail sticks out, enough to pester with
Its undue prominence the female skirt,
Woman must use the eyes that Heaven has blest her with
To look about her lest she come to hurt;
That people who can't see impending dangers
Mustn't get mad and lay the blame on strangers:

That "*A hoop skirt is not a needful article*
Of ordinary feminine apparel;"
That there's no sense nor use, the slightest particle,
Of rigging out one's person in a barrel, —
"Folks that tempts Providence the way that some does
Shouldn't sue *us* for what the wrath-to-come does!"

That horse-car companies have rules which go
With ordinary cases, and provide
How high loose nails shall be allowed to grow,
And what to do when skirts are *not* too wide;
But *aren't* to be enslaved to female passions
For dress, or change their rules to fit the fashions.

The Court, however, did not so agree,
But urged it strongly on the Jury's sense
That crinoline and hoops are not, *per se*,
Proof of contributory negligence;
That skirted dames shall have an even chance
For damages with them that dwell in p—ts.

The jury then, without prolonged debate,
To soothe the Plaintiff's bumps and smooth her bangs,
Brought in a verdict adequately great
To obviate all reminiscent pangs:
The counsel, whose objections still remained,
Excepted, — his exceptions weren't sustained.

For Woman, lovely Woman! hath her right
To wear what doth, or what doth *not* become her,
Whether of wings, hoops, humps, or laces tight,
Or men folks' galluses, or furs in summer, —
And Blackstone comments on the fact that "Lex
Makes a great favorite of the Gentler Sex."

— Francis Dana.

A Mortgage Foreclosure

I TOLD her that, as man of Law,
Love's side I should defend,
That in our case there was no flaw,
We'd fight it to the end.

A frown spread o'er her dimpled face,
She paced the polished floor, —
"Ah! pardon me, what is this case?
You know I have a score!"

"Love *versus* Phyllis, there's the scrips,
A kiss beneath your nose;
In fact, a mortgage on your lips!"
Said Phyllis, "Please foreclose!"

— Harold McGrath.

Gentlemen of the Jury

From the painting by J. Morgan

A Flight of Fancy

AT the bar of Judge Conscience, stood Reason arraigned,
The jury impaneled, the prisoner chained.
The judge was facetious, at times, though severe,
Now waking a smile, and now drawing a tear;
An old-fashion'd, fidg'ty, queer-looking wight,
With a clerical air, and a eye quick as light.

"Here, Reason, you vagabond! look in my face;
I'm told you're becoming an idle scapegrace.
They say that young Fancy, that airy coquette,
Has dared to fling round you her luminous net;
That she ran away with you, in spite of yourself,
For pure love of frolic — the mischievous elf.

"The scandal is whispered by friends and by foes,
And darkly they hint, too, that when they propose
Any question to *your* ear, so lightly you're led,
At once to gay Fancy you turn your wild head;
And *she* leads you off in some dangerous dance,
As wild as the polka that galloped from France.

"Now up to the stars with you, laughing, she springs,
With a whirl and a whisk of her changeable wings;
Now dips in some fountain her sun-painted plume,
That gleams thro' the spray like a rainbow in bloom;
Now floats in a cloud, while her tresses of light
Shine through the frail boat and illumine its flight;
Now glides through the woodland to gather its flowers;
Now darts like a flash to the sea's coral bowers;
In short — cuts such capers, that with her I ween
It's a wonder you are not ashamed to be seen!

"Then she talks such a language! melodious enough,
To be sure — but a strange sort of outlandish stuff!
I'm told that it licenses many a whopper,
And when once she commences no frowning can stop her;
Since it's new — I've no doubt it is very improper!

They say that she cares not for order or law;
That of you — you great dunce! — she but makes a cat's paw.
I've no sort of objection to fun in its season,
But it's plain that this Fancy is *fooling* you, Reason!"

Just then into court flew a strange little sprite,
With wings of all colors and ringlets of light!
She frolicked round Reason — till Reason grew wild,
Defying the court and caressing the child.
The judge and the jury, the clerk and recorder,
In vain called this exquisite creature to order: —
"Unheard-of intrusion!" — They bustled about,
To seize her, but, wild with delight at the rout,
She flew from their touch like a bird from a spray,
And went waltzing and whirling and singing away!

Now up to the ceiling, now down to the floor!
Were never such antics in courthouse before!
But a lawyer, well versed in the tricks of his trade,
A trap for the gay little innocent laid:
He held up a *mirror*, and Fancy was caught
By her image within it, — so lovely, she thought.
What could the fair creature be? Bending its eyes
On her own with so wistful a look of surprise!
She flew to embrace it. The lawyer was ready!
He closed round the sprite a grasp cool and steady,
And she sighed, while he tied her two luminous wings,
"Ah! Fancy and Falsehood are different things!"

The witnesses — maidens of uncertain age,
With a critic, a publisher, a lawyer, and sage —
All scandalized greatly at what they had heard
Of this poor little Fancy (who flew like a bird!)
Were called to the stand and their evidence gave;
The judge charged the jury, with countenance grave.
Their verdict was "guilty," and Reason looked down,
As his Honor exhorted her thus, with a frown: —

"This Fancy, this vagrant, for life shall be chained
In your own little cell, where *you* should have remained;
And you, for *your* punishment, jailer shall be:
Don't let your accomplice come coaxing to me!

I'll none of her nonsense — the little wild witch!
Nor her bribes — although rumor does say she is rich.

"I've heard that all treasures and luxuries rare
Gather round at her bidding, from earth, sea, and air;
And some go so far as to hint that the powers
Of darkness attend her more sorrowful hours.
But go!" — and Judge Conscience, who never was bought,
Just bowed the pale prisoner out of the court.

'Tis said that poor Reason next morning was found
At the door of her cell fast asleep on the ground,
And nothing within, but one plume rich and rare,
Just to show that young Fancy's wing once had been there.
She had dropped it, no doubt, while she strove to get through
The hole in the lock, which she could not undo.

— Frances Sargent Osgood.

To Him Who Waits

He who can humbly wait upon the Law
In outer court or at her legal throne,
May not at once her kindest glances draw
Nor proudly stand her favorite alone.

But, some day, for his steadfast faith will see
That loyalty, when to a jealous Queen,
Will Honor win and immortality —
The rank of Noble and the laurel green.

— Samuel R. Ireland.

My Client

THE TAXING OF THE BILL

Bloxam, my master, O taxing master,
Judge not too hardly this poor, short bill,
Search not keenly a chance excess.
Thy fatal pen moves fast and faster.
Yet stay a moment that hard, stiff quill;
How shalt thou profit, though I get less?

O taxing master, O hard, keen master,
The left-hand margin is fair and white,
Leave it, I pray thee, yet white and fair.
Be not a "hard, ungracious pastor,"
Vex not with queries the anxious sight,
Let not thy taxings be frequent there.

Master, the coming Long Vacation
Calls thee away to the land of pleasure,
Bids thee away to the sunny South.
Kill not the sweet anticipation,
Fill not with sorrow thy hours of leisure,
Tax not the bread from a waiting mouth.

List not to every slight objection,
Quench not of hope the lingering ember,
Make not the page with thy taxings wet.
Little he merits thy high protection:
To tax my bill he may remember,
But, ah! to pay it he will forget.

— EDMUND B. V. CHRISTIAN.

The Judge's Song

WHEN I, good friends, was called to the Bar,
I'd an appetite fresh and hearty,
But I was, as many young barristers are,
An impecunious party.
I'd a swallow-tail coat of a beautiful blue —
A brief which I bought of a booby —
A couple of shirts and a collar or two,
And a ring that looked like a ruby.

In Westminster Hall I danced a dance,
Like a semi-despondent fury;
For I thought I should never hit on a chance,
Of addressing a British Jury.
But I soon got tired of third-class journey
And dinners of bread and water;
So I fell in love with a rich attorney's
Elderly, ugly daughter.

The rich attorney, he wiped his eyes,
And replied to my fond professions;
"You shall reap the reward of your enterprise
At the Bailey and Middlesex Sessions.
You'll soon get used to her looks," said he,
"And a very nice girl you'll find her —
She may very well pass for forty-three
In the dusk, with the light behind her!"

The rich attorney was as good as his word:
The briefs came trooping gayly,
And every day my voice was heard
At the Sessions or Ancient Bailey.
All thieves who could my fees afford
Relied on my orations,
And many a burglar I've restored
To his friends and his relations.

At length I became as rich as the Gurneys —
An incubus then I thought her,
So I threw over that rich attorney's
Elderly, ugly daughter.
The rich attorney my character high
Tried vainly to disparage —
And now, if you please, I'm ready to try
This Breach of Promise of Marriage.

— WILLIAM SCHWENCK GILBERT.

The Culprit and the Judge

THE realm of France possessed, in days of old,
A thriving set of literati,
Or men of letters, turning all to gold; —
The standard works they made less weighty
By new abridgments — took abundant
Pains their roughness to polish,
And plied their scissors to abolish
The superficial and redundant.

And yet, instead of fame and praise,
Hogsheads of sack, and wreaths of bays,
The law, in those benighted ages,
  By barbarous edicts did enjoin
That they should cease their occupation,
Terming these literary sages,
  Clippers and filers of the coin;
(Oh! what a monstrous profanation!)
Nay, what was deeper to be dreaded,
These worthies were, when caught, beheaded!

But to the point. A story should
  Be like a coin — a head and tail,
In a few words enveloped. Good!
  I must not let the likeness fail. —
A gascon who had long pursued
  This trade of clipping,
And filing the similitude
  Of good King Pepin,
Was caught by the police, who found him
  With file and scissors in his hand
  And ounces of Pactolian sand
Lying around him.
The case admitting no denial,
They hurried him forthwith to trial;
When the judge made a long oration,
About the crime of profanation,
And gave no respite for repentance,
But instantly pronounced his sentence,
  "Decapitation!"

"As to offending powers divine,"
  The culprit cried, "be nothing said:
Yours is a deeper guilt than mine.
  I took a portion from the head
Of the King's image; you, O fearful odds!
Strike the whole head at once from God's!"

— Horace Smith.

The Court of Love

PEOPLE ex rel. STREPHON,
Plffs. and Respts.
vs.
PHYLLIS,
Deft. and Applt.

BRIEF FOR RESPONDENTS

STATEMENT

THAT in the month of May,
On or about some day,
Appellant took relator's heart, and stole it quite away.

POINT I

The case is more than clear;
Intent doth well appear;
"Felonious taking," please the Court, is quite established here.

POINT II

The heart was not returned;
Appellant claims 'twas spurned,
The evidence, however, shows, with passion it was *burned!*

POINT III

The larceny is grand,
And, as the cases stand,
Appellant, to relator clearly forfeiting her hand,

Should be confined for life
In bonds of "wedded strife,"
And be proclaimed to all the world as the relator's wife.

DAN CUPID, of Counsel.

— WILLIAM BARD MCVICKAR.

Laying Down the Law

"I am Sir Oracle,
And when I ope my lips let no dog bark."
— MERCHANT OF VENICE.

"If thou wert born a Dog, remain so; but if thou wert born a Man, resume thy former shape." — ARABIAN NIGHTS.

A POODLE, judge-like, with emphatic paw,
Dogmatically laying down the law, —
A batch of canine Council round the table,
Keen-eyed and sharp of nose, and long of jaw,
At sight, at scent, at giving tongue, right able:
O Edwin Landseer, Esquire, and R.A.,
Thou great Pictorial Æsop, say,
What is the moral of this painted fable?

O say, accomplished artist!
Was it thy purpose, by a scene so quizzical,
To read a wholesome lesson to the Chartist,
So over-partial to the means called Physical,
Sticks, staves, and swords, and guns, the tools of treason?
To show, illustrating the better course,
The very Brutes abandoning Brute Force,
The worry and the fight,
The bark and bite,
In which, says Doctor Watts, the dogs delight,
And lending shaggy ears to Law and Reason,
As uttered in that Court of high antiquity
Where sits the Chancellor, supreme as Pope,
But works — so let us hope —
In equity, not iniquity?
Or was it but a speculation,
Or transmigration,
How certain of our most distinguished Daniels,
Interpreters of Law's bewildering book,
Would look
Transformed to mastiffs, setters, hounds, and spaniels
(As Brahmins in their Hindoo code advance),

With that great lawyer of the Upper House
Who rules all suits by equitable *nous*,
Becomes — like vile Amina's spouse —
A Dog, called Chance? [1]

Methinks, indeed, I recognize
In those deep-set and meditative eyes
Engaged in mental puzzle,
And that portentous muzzle,
A celebrated judge, too prone to tarry
To hesitate on devious ins and outs,
And, on preceding doubts, to build *redoubts*
That regiments could not carry, —
Prolonging even Law's delays, and still
Putting a skid upon the wheel uphill,
Meanwhile the weary and desponding client
Seemed — in the agonies of indecision —
In Doubting Castle, with that dreadful Giant
Described in Bunyan's Vision!

So slow, indeed, was justice in its ways,
Beset by more than customary clogs,
Going to law in those expensive days
Was much the same as going to the Dogs!
But possibly I err,
And that sagacious and judicial Creature,
So Chancellor-like in feature,
With ears so wiglike, and a cape of fur,
Looking as grave, responsible, and sage,
As if he had the guardianship, in fact,
Of all poor Dogs, or crackt,
And puppies under age,—
It may be that the creature was not meant
Any especial Lord to represent,
'Eldon or Erskine, Cottenham or Thurlow,
Or Brougham (more like him whose potent jaw
Is holding forth the letter of the law),
Or Lyndhurst, after the vacation's furlough,
Presently sitting in the House of Peers,

[1] See the story of Sidi Nonman, in the "Arabian Nights."

On wool he sometimes wishes in his ears,
When touching Corn Laws, taxes, or tithe-piggery,
He hears a fierce attack,
And, sitting on his sack,
Listens in his great wig to greater Whiggery!

So possibly, those others,
In coats so various, or sleek, or rough,
Aim not at any of the legal brothers,
Who wear the silken robe, or gown of stuff.
Yet who that ever heard or saw
The Counsel sitting in that solemn Court,
Who, having passed the Bar are safe in port,
Or those great Sergeants, learned in the Law,
Who but must trace a feature now and then
Of those forensic men,
As good at finding heirs as any harrier,
Renowned like greyhounds for long tales — indeed,
At worrying the ear as apt as terriers, —
Good at conveyance as the hairy carriers
That bear our gloves, umbrellas, hats, and sticks,
Books, baskets, bones, or bricks,
In Deeds of Trust as sure as Tray the trusty, —
Acute at sniffing flaws on legal grounds, —
And lastly, — well the catalogue it closes! —
Still following their predecessors' noses,
Through ways however dull or dusty,
As fond of hunting precedents, as hounds
Of running after foxes more than musty.

However slow or fast,
Full of urbanity, or supercilious,
In temper wild, serene, or atrabilious,
Fluent of tongue, or prone to legal saw,
The Dogs have got a Chancellor, at last,
For laying down the Law!
And never may the canine race regret it,
With whinings and repinings loud or deep, —
Ragged in coat, and shortened in their keep,
Worried by day, and troubled in their sleep,

With cares that prey upon the heart and fret it —
As human suitors have had cause to weep, —
For what is Law, unless poor Dogs can get it Dog-cheap?
— THOMAS HOOD.

That Law's the Perfection of Reason

THAT law's the perfection of reason,
No one in his senses denies;
Yet here is a trial for treason
Will puzzle the wigs of the wise.
The lawyers who bring on the action
On no single point will agree,
Though proved to their own satisfaction
That tweedle-dum's *not* tweedle-dee!

To settle disputes, in a fury
The sword from the scabbard we draw;
But reason appeals to a jury,
And settles — according to law.
Then hey for the woolsack! — for never
Without it can nations be free;
But trial by jury forever!
And for tyranny — fiddle-de-dee!
— GEORGE P. MORRIS.

A Judicial Character

SEE where our pig-eyed pettifogger sits,
A man by court'sy and a Judge by fits;
How like an owl, upon the bench he blinks,
Striving in vain to make us think he thinks.
On legal points to shock our virile sense
He fumbles vainly in his impotence;
So steeped in sin, yet innocent of law,
He deals out judgment like a tailed Beshaw.
In Goldsmith's time there once a wonder grew
How one small head could carry all it knew;

But here 'tis changed, we now a wonder find
To see much carcass with so little mind.
Clad in a pious garb, to church he hies,
And in the presence of his Maker lies.
Mean hypocrite and meaner demagogue,
He holds combined the worst of cat and hog;
Coarse as the one and as the other sly,
He walks the earth — an animated lie;
But when he rides, great Scott! what lies
His horse and carriage forthwith advertise;
A home-stead judgment is the steed he drives.

— Donn Piatt.

That Law in Little Falls

THEY passed a law in Little Falls, 'bout las' Thanksgivin' Day,
An' it's about that there same law I want to have a say;
From way down thar in Herkimer, they're laffin' all the way
To old Paul Smith's you've heard about — the Adirondack jay.
They're laffin' up to Uticky an' Syracusy too,
An' wonderin' some at country folks, an' jest what nex' we'll do.
Yes, from Warner Miller's, Herkimer, way up to Uncle Paul's,
They're laffin' at the way we beat that law in Little Falls.

Ye see, the folks in Little Falls are mos'ly rich an' proud —
A pretty nifty lot o' folks, a rather sot-up crowd —
An' ev'ry man in that there town that's owner of a sleigh
Has bells to warn poor other folks to keep out of his way.
We country folks don't carry bells — we'd rather use our eyes
An' we don't bother other folks in any sort o' wise.
But them Falls' folks never's happy unless they's inter brawls;
So they worked the matter up an' passed a law in Little Falls.

They said we'd got to carry bells, so they'd know we was cummin',
An' when they'd fined a few of us they got our tempers bummin'.

We country folks had made that town by good hard work an' cheese,
An' all they did was sellin' it an' livin' at their ease.
So when we got jest mad enough, we held a meetin' in
The Baptist Church o' Benton — which I hope was not a sin;
But country folks ain't got a superfluity of halls,
An' we had to meet an' talk about that law in Little Falls.

Now Big Bill Brown o' Benton hadn't been to church before
Sense the day that he got married, a score o' years or more;
But he came that day in earnest, an' he brought a scheme along
That we voted for unanimous, and started with a song.
'Twas to go in force to Little Falls with ev'ry kind o' bell
We could find ('twas Bill's expression) anywhere this side o' — well,
A place where people have no use for overcoats or shawls —
The place we'd liked to seen the folks that live in Little Falls.

We took the bells off all our cows — perhaps you've heard 'em ring;
It's not the kind of music made when opry people sing.
An' I went to the minister's, an' jawed him for an hour,
An' meanwhile some one took the bell from out the old church tower;
We mounted it on Big Bill's cart, an' got a lad to toll it,
An' there are people mean enough to say we really stole it.
An' there was never music made on this terrestrial ball's
Green surface like the noise we made that day in Little Falls.

For fifteen miles around us ev'ry farmer's team turned out,
With jangling bells an' old tin pans an' boys to yell an' shout.
An' Bill with his old church-bell went to ev'ry store in town,
An' staid about an hour or so a Jewin' bargins down,
An' Bill he never spent one cent. An' meanwhile just outside
That old church-bell was tollin' like it thought the world had died,
An' back an' forth it echoed from all the city walls,
Till the council P. D. Q. repealed that law in Little Falls.

Electric bells an' triangles, they swelled the awful din.
Alarm clocks, gongs, an' dinner bells, an' sheets o' rusty tin,

That once had been on Big Bill's roof — it made an awful
roar —
They stuffed their ears with cotton, an' you'd orter heard 'em
swore.
Why, when we left the Falls folks got an expert on the ear
From Albany, an' hired the man to treat 'em by the year.
An' when we bedded down our cows that evenin' in their stalls,
We reckoned we'd got even for that law in Little Falls.

— Tom Hall.

How the Lawyers got a Patron Saint

A LAWYER of Brittany, once on a time,
When business was flagging at home,
Was sent as a legate to Italy's clime,
To confer with the Father at Rome.

And what was the message the minister brought?
To the Pope he preferred a complaint
That each other profession a Patron had got,
While the Lawyers had never a Saint!

"Very true," said his Holiness — smiling to find
An attorney so civil and pleasant —
"But my very last Saint is already assigned,
And I can't make a new one at present.

"To choose from the *Bar* it were fittest, I think;
Perhaps you've a man in your eye — "
And his Holiness here gave a mischievous wink
To a Cardinal sitting near by.

But the lawyer replied, in a lawyer-like way,
"I know what is modest, I hope;
I didn't come hither, allow me to say,
To proffer advice to the Pope!"

"Very well," said his Holiness, "then we will do
The best that may fairly be done;
It don't seem exactly the thing, it is true,
That the Law should be Saint-less alone.

"To treat your profession as well as I can,
And leave you no cause of complaint,
I propose, as the only quite feasible plan,
To give you a second-hand Saint.

"To the neighboring church you will presently go,
And this is the plan I advise:
First, say a few *aves* — a hundred or so —
Then carefully bandage your eyes;

"Then (saying more *aves*) go groping around,
And, touching one object alone,
The Saint you are seeking will quickly be found,
For the first that you touch is your own."

The lawyer did as his Holiness said,
Without an omission or flaw;
Then, taking the bandages off from his head,
What do you think he saw?

There was St. Michael (figured in paint)
Subduing the Father of Evil;
And the lawyer, exclaiming, "Be *thou our* saint!"
Was touching the form of the Devil!

— JOHN GODFREY SAXE.

A Legal Beggar

HE'S not a slave to common vice,
For none can say he owes a cent;
His tailor never asks him twice;
He always promptly pays his rent.
But when he opes his neighbor's door,
He shows his moral nature's flaw
By pacing up and down the floor,
And boldly begging points of law.

— GEORGE F. TUCKER.

A Psalm of Law

[WHAT THE HEART OF THE CODIFIER SAID TO THE PLEADER]

TELL me not, in accents croaking,
"Brevity's an empty dream,"
What's the use, with verbal cloaking,
To make things other than they seem?

Law is real; and law's expensive;
Special pleading's not its goal;
Rhetoric and tape make pensive
Many a weary client's soul.

To orate, or rouse to passion
In your pleading's not the way;
State your case in simple fashion,
Let the judge see what's to pay.

Law is long and time is fleeting,
And our lips, dull habit's slave,
Are, forgetting fact, repeating
The old forms our fathers gave.

In the field of litigation,
In the strife of good and evil,
With straightforward allegation
Tell the truth and shame the devil.

Trust not Humphrey, Barbour, Chitty;
Let dead cases bury their dead;
With stale lies 'tis surely pity
To bother any judge's head!

Lives of pleaders all remind us,
We may make our lives a bore,
And, departing, leave behind us
Pleas choke full of useless lore;—

Precedents that perhaps another,
Doomed by cruel fate to find, —
Some perplexed and anxious brother,
Reading, shall quite lose his mind!

Sell your form books for waste paper;
State the facts at any rate;
Hesitating how to shape a
Pleading — why, abbreviate.

— Irving Browne.

To the Chief Justice

["*Incedimus per ignes, suppositos cineri doloso.*"]

GUARDIAN of liberty and right,
Of law and justice in the land,
Hold the scales firm with even hand;
For thou must either greatly stand,
Calm as a Fate, with purpose grand,
Or sink beyond all reach of light.

Down to the deep foundation stones
On which our country's pillars rest,
Propping the roof once brightly pressed
By stars — beneath which many a guest
Came in to share the banquet blessed
Of liberty — our temple groans.

Groans in this earthquake's helpless loss
(The war was nothing, and is past);
But the temple groans with tremors vast,
Seeing the sacred things, amassed
By our great fathers, rudely cast
Down to the dust as worthless dross.

'Tis thine to bid the storm be o'er —
A right almost too great for speech —
'Tis thine the sacred vessels each

To lift again; 'tis thine to teach
Lessons of love that yet may reach
And knit all sections as of yore.

High towering o'er the vulgar train,
By rage and greed of gain debased,
Thy lines in loftier planes are placed;
And with thy heart to justice braced,
Faction may all her thunders waste
Against thy calm decrees in vain.

It is no common thing to sit,
Clothed as thou art with power so great,
Balancing points of subtlest weight
Between the ruler of a state
And a cabal's unscrupling hate:
Thy place in history here is writ.

I know thee well: thy life's proud lot,
A struggle vehement and long,
With soundest heart and judgment strong,
Against whate'er to thee seemed wrong:
Now raised by virtue o'er the throng,
Thy record must receive no blot.

Hold the scales even; firmly stand
In thy great office, guarding law;
Round thee thy sacred ermine draw;
Pluck Justice from Hate's ravening maw;
And, grandest sight the world e'er saw,
Let one man's firm soul save the land.

— Charles Graham Halpine.

The Six Fellows

'TWAS yesterday — or day before —
I and a country cousin
Saw six grave fellows on a seat,
(Near half a "*baker's* dozen").

'Twas latish in the afternoon,
And rather chilly weather —
So these six fellows in a box
Were huddled up together.

Now some of them would talk aloud,
And some of them would mutter,
And some of them were lank and lean,
And some were fat as butter.

Another fellow[1] — 'cause the seat
Wan't wide enough to hold him —
Sat near, and with a pen wrote down
What these six fellows told him.

Two other fellows with the six
Make eight, when all together:
Perhaps these fellows staid away
Because 'twas rainy weather.

I noticed those six fellows there —
Who in a kind of line were —
Wore merely middling kind of clothes,
And not so good as mine were.

They sat and looked upon some books —
I think they call them dockets;
They had no blacking on their boots,
No watches in their pockets.

[1] Reporter of Decisions.

I gazed upon those fellows there,
And as the twilight streamed off,
Strange fancies flittered thro' my brain
Few mortals ever dreamed of;

For these six fellows hold a power —
A power for good or evil —
Which, analyzed and understood,
Would fright the very devil.

For soon these fellows separate
And scoot about to try us;
The place they go I most forget,
But think 'tis "*Nisi Prius.*"

And if one fellow makes a bull,
And we poor fellows feel it,
They have the right to meet again,
And have the power to heal it.

The dog you love, the horse you drive,
The gold mines you are selling,
The hut where shivering children sleep,
The palace that you dwell in,

The loaf now steaming for a meal,
The quill wheel or your carriage,
The baby mewling in your lap,
The wife you won at marriage,

The last memento, dear as breath,
By some departed given —
Love's golden chain, forged out by death
To link this life with heaven —

Some knavish whelp may up and claim
Before the sun has risen,
And these six fellows on that bench,
Have power to say they're "hisen."

Grave, worthy seniors, just one word —
You, on that seat together —
You counting six, and with the two,
Now tell me frankly whether

You deem, because you have the right
To stop the bells from chiming,
And have the power to take one's breath,
That you can stop my rhyming?

Sage men, a *private* word with you —
You, on that seat together —
You, of the six and with the two,
Once more, now tell me whether,

With all your Courtly wisdom here
And all your power for terrors,
There may not be some higher Power —
Some upper "Court of Errors"?

— David Barker.

Law at our Boarding-House

AS fresh as a pink, on the other side
Of the boarding-house table she sits, and sips
Her tea; while I envy the china cup
That kisses her rosy lips.

She's a schoolgirl still in her teens; her hair
She wears in a plait; we are *vis-à-vis;*
And I am a briefless barrister; —
Yet she sometimes smiles at me.

My law professor would scowl, no doubt,
Could he know what havoc those eyes have wrought
With the doctrines of law he first instilled —
What lessons those lips have taught.

"Attachment can never come before
A declaration," he used to say;
But this little girl at our boarding-house
Doesn't put the thing that way.

"The clerk will issue a rule to plead —
And pleadings always with rules must chime;"
No need for "a rule to plead" with her
And her rule days are — all the time!

The old law maxim, the text-books teach,
And the judges regard: "*Qui facit per Alium, facit per se*," is held
In ineffable scorn by her.

In her person exist together at once
Defendant and judge and jury and clerk;
So that one would imagine to win a cause
In this court were an uphill work.

Yet whenever I sit at the table there,
I fancy a table where only two
Are company — till I say to myself:
"Though you lose the case, why sue!

"E'en though she demur at first — who knows? —
For the rest of your joint lives made one life,
You may learn together the lesson taught
In respect to Husband and Wife."

Still I dally in doubt; though in other things
I flatter myself I am resolute:
For a bankrupt heart will be the result,
If I'm taxed with costs in this suit.

— Armistead Churchill Gordon.

Lo! the Poor Lawyer

AT Halifax, that quaint old city,
There dwelt a lawyer whose renown
For crafty, subtle, foxlike cunning
Spread far beyond his native town.

Like lawyers everywhere, he oft
Found clients who were far more free
To enter into suit of law
Than pay their lawyer's well-earned fee.

An Indian, of the Miami,
For service rendered long ago,
Indebted was to him, and seemed
Contented well to leave it so.

The lawyer waited long; at last
His patience bore no longer strain,
With process, judgment, execution,
He threatened, nor was it in vain.

"Poor Lo" got scared and paid the money,
But lingered after he had paid;
"Why do you wait?" the lawyer asked.
"Me want receipt," the Indian said.

"Receipt!" the limb of law rejoined,
"What know you how these things are done?
Tell me the use of a receipt
And I'll be pleased to give you one."

The red man stood a moment, then
With merry twinkle in his eye,
He said, "S'pose now me sick, me die,
Me go to Heben by an' by;

"The 'Postle Peter come an' ask,
'Ol' Simon, what you want?' me say,
'Want to git in'; an' den he ask,
'You pay dat bill to Lawyer J.?'

"What den me do? Hab no receipt,
Me must go out to find you. Well —
Me fool hab been — to find you den
Me must go hunt all over h — ."

— J. A. Dreiss.

Rhymes of Real Property

O MUSE, whose aid has always been
Invoked by poets of every time,
Whene'er they sing their songs of war,
Or sing, perchance, of love and wine,
On my poor verse bestow thy grace,
Thy favor on my sentiments.
I sing a song of chattels real,
Of lands and hereditaments.

I do not sing such milder themes
As chattels usufructuary,
Or bills and notes and special pleas,
I sing of things hereditary;
The things that pass from man to man,
According to propinquity,
The tenements that men obtain
By right of consanguinity.

The deeds of heroes and of saints
Recorded are in song and story,
And are, for each succeeding age,
The monuments of former glory;
But deeds with witnesses and seals,
Recorded in a legal manner,
Have carried fields of greater worth
Than those won under waving banner.

A deed which, for consideration,
Recites the *dedo et concessi*,
And names the parties to the grant,
With good description of the *loci*,
A muniment of title is,
The very highest to be found.
Grantee may hold against the world,
He actually owns the ground.

The house in which a man may live,
And seem to take his ease in,
May prove a troubled home for him
Unless he hath the seizin.
Of course ejectment may be brought
Against him as a trespasser,
And damages be proved because
Injuria non præsumitur.

But every one who claims a fee,
And would be in possession,
Before he wins must pay a fee
To men of the profession.
And such a one should always be
In any course that he elects,
Most generous to his counselor,
De minimis non curat lex.

In building on his own demesne
One has to take the best of care
Lest his new building should obstruct
His neighbor's ancient lights and air.
Times now are different from the times
In which that doctrine had its source.
Cessante ratione legis,
Cessat ipsa lex, of course.

If in Black Acre A's estate
Is only one *per auter vie*,
Remainder, say, to B for life,
And over then to heirs of C,

And if, while leased by A for years,
It's taken for a railroad track,
And damages are paid to C,
Who then has rights in Acre Black?

Supposing that the hired man
Has carelessly left down the bars,
And lessee's cows upon the track
Are slaughtered by the railroad cars,
Would such an action by the Road
Be action called *quare obstruxit*,
And would an action also lie
In trespass *quare clausum fregit?*

The maidens of our favored land
Who seek in Europe for a mate,
Would therein hardly be compared
To conveyancers, at any rate.
The likeness is, however, marked,
And evidenced by brief recitals,
Since both with eagerness intent
Are occupied in searching titles.

The weather clerk, in modern times,
Has power that is known to all,
Some people foolishly suppose
That sun or rain is at his call.
But that the judges of our courts
Can beat him it must be allowed,
Since they, when properly invoked,
Have power to remove a cloud.

Then here's a toast to property,
And here's to litigation;
And here's to those authorities
That never need citation.
Here's one to learned counselors,
And one to legal fiction,
And here's to our own Court Supreme
Within its jurisdiction.

— Richard Webb.

The Gracious Guest

I CALLED the devil and he came,
His face with wonder I must scan;
He is not ugly, he is not lame,
He is a delightful, charming man.
A man in the prime of life, in fact,
Courteous, engaging, and full of tact,
A diplomat, too, of wide research
Who cleverly talks about State and Church.
* * * * * * * * *
He praised my forensic works that he saw,
He had dabbled a little himself in law.

— HEINRICH HEINE.

A Legal Career

HE went into an office with intent to study law,
And he waxed enthusiastic over all he read or saw.
It was such a noble science, and that he should come to be
Its most sapient exponent, seemed his certain destiny.

So the office seemed a palace, and a throne the office stool,
While no labor howe'er mighty could this youngster's ardor cool;
For his head was full of visions as a hive is full of bees —
Visions of his future clients and the fatness of their fees.

"Blackstone" was his favored diet, with a dessert dish of "Kent,"
And he served up bits of "Greenleaf" every single place he went;
While he always took some "Wharton" with his quiet ev'ning smoke,
And he warmed his legal body with a glowing piece of "Coke."

Then he went to be examined and his grade was passing fine;
They admitted him to practice and he pasted up his sign,
And the business men remarked, "Oh, he is promising, they say,"
But they gave their work to Codger — who was old — across the way.

Tho' they put him on committees where the work brought no reward,
Tho' they made him a sort of special agent for the Lord,
Yet they had no labor for him that his hungry purse would fill,
And he's growing gray and grizzled waiting for a client still.

— Paul Laurence Dunbar.

Doctor *v.* Lawyer

A DOCTOR, a lawyer, grim death, and the devil
Sat down to play euchre in Gooseberry Hall;
The stake that they played for was Peter von Kottzen,
The richest and proudest old burgher of all.

The doctor was anxious to save the old duffer,
Although he already had one wooden leg;
For he kept recalling the wonderful fable
Of Æsop, about the old goose and the egg.

Both death and the devil had claims on Von Kottzen,
And thought it high time to foreclose on the same;
But gave their assent to try title by chances,
And waive their security pending the game.

The lawyer had wanted old Pete for a client,
And plotted to win him, both early and late:
But reached the conclusion no recourse was left him
Except to administer Kottzen's estate.

And now came the pother, which ones should play partners,
And how they should harmonize matters at stake.
All three were against him, the doctor debated
Which one of all three it were safest to take.

When pushed to the choosing, he frankly admitted
There seemed to be only one thing he could do;
Take the devil and chance it, then trust to his honor
For playing the game by all arts that he knew.

When partners were settled, the pack was well shuffled,
The cards were dealt rapidly, three times around;
The lawyer dealt first, and glanced up at his partner
And nodded his head when the trump had been found.

The doctor was hopeful and laid down a bower
And took the first trick in that desperate play,
Then threw out a feeler, that passed to the devil,
And he took it in without any delay.

Returning the lead, he threw out to the lawyer
A trump that was taken by him in a trice;
The lawyer remarked, as he led back the joker,
"Your Majesty gave us that happy device."

The last trick the doctor succeeding in taking,
Then counted the game on the score by his side;
And dealt the cards round with an air of composure,
Like that of a lover when winning his bride.

Then death and the lawyer succeeded in winning
Three tricks, and recorded their luck on the score
The lawyer said coolly, "Luck clings to the devil,
And now we are in for it — one tussle more."

Two games to the side had been taken by sequence,
And all through the game not a hand had been weak;
And one who looked on, blurted out with the comment,
"The Trojans are at it! It's Greek meeting Greek!"

The odd game was pending, and all of the players
Bent over their cards with a terrible zest,
And scanned their hands closely — aye, twenty times over,
And cudgeled their brains as to which play was best.

The doctor took one trick, and death took another,
The devil took one, and the lawyer the same,
But death held the joker and played it serenely,
While slyly remarking, "Thus endeth the game!"

"And now, my good fellow," said death to the lawyer,
"As business is pressing, my leave I must take;
Let us to the chamber of Peter von Kottzen
And there, like good partners, partition the stake."

"Agreed!" said the lawyer, and off they went chuckling,
And there (as an honest man I must relate),
Death took what he played for, old Peter von Kottzen;
The lawyer did likewise, he took the estate.

And when he succeeded in leaving the widow
And sundry half-orphans as poor as could be,
Made terms with the devil for needed assistance
And euchred the doctor quite out of his fee.

— Henry W. Roby, M.D.

Two Beggars

[DISPUTING THEIR RIGHT TO AN OYSTER THEY HAD FOUND; A LAWYER THUS DECIDES THE CAUSE]

BLIND Plaintiff, lame Defendant, share
The friendly Law's impartial care.
A Shell for Him, a Shell for Thee,
The Middle is the Lawyer's Fee.
So Judge's Word decrees the People's Right,
And Magna Charta is a Paper-Kite.

— Matthew Prior.

Justice Repentant

FOR ten long years, like a wild tiger caged,
He chafed against the iron bars; then hate
And scorn for human laws and blundering Fate
In his spent heart and soul no longer raged.

The fire of passion blackened to despair;
Yet 'mid the ashes smouldered one faint hope:
That pitying Death the iron doors would ope.
But Death, like man and Fate, refused his prayer.

At last to his dull ear the message came:
"The Governor's pardon! Go where'er thou wilt.
A dying felon hath confessed his guilt, —
The author of thy suffering and shame!"

Now once again contempt and hatred burn,
"'Tis *I* should pardon, — and he pardons *me!*
Thanks, that to beg or starve he sets me free!
His pardon is an insult that I spurn!"

He cursed his jailers for each hardship borne,
When, like a savage Ishmael, forth he went,
His heart on vengeance 'gainst his fellows bent,
Whose kindly pity he repulsed with scorn.

A white-haired man climbed to his humble room
And bowed before him as before a king.
"Canst thou accept," he said, "this offering
From him who ignorantly spoke thy doom?

"Canst thou accept it, and forgive the State
And me? My soul hath felt thy bitter curse.
Revoke it and forgive!" The outstretched purse
Was thrust away, but the old fire of hate

Was quenched in a convulsive flood of tears.
He grasped the Judge's hand; no word he spoke;
His tears alone the bitter curse revoke
And grant forgiveness for his wasted years.

— Edward Payson Jackson.

The Law Student

A FORWARD youth just home from college,
Where he was seeking legal knowledge,
Anxious his wisdom to display
His father thus addressed one day:
"Now, father, here's an apple — see —
Which I design to give to thee —
But so that none thy claim dispute,
And to despoil thee bring a suit,
I'll give it thee in legal way,
As thus — to wit — that is to say,
'I give you all and singular,
Without encumbrance, let, or bar,
My interest, title, and estate —
Whether the same be small or great —
My present right and claim, and all
Advantage, whatsoe'er befall,
That apple in, for your own use,
With all its seed, skin, pulp, and juice —
With all advantage and all right,
With power to sell, roast, cut, or bite —
With power to eat or give away
At any hour, night or day,
In mouthfuls or in single gulp,
With all its seed, skin, juice, and pulp.
Anything published heretofore
Or hereinafter, less or more,
Or any instrument, deeds, or deed
Made in the past or to succeed,
Of what kind or nature countermanding
To the contrary, notwithstanding.
No man to cancel this need try —
Now, father, how is that for high?'"

The puzzled sire scratched his head,
Then, with a sigh, he slowly said:
"I think, my bright son, that the law
Is like a pickerel's head, all jaw.
Now you may to the cellar go
And split wood — how is that for low?"

— FRANCIS S. SMITH.

A Limb of the Law

MY story begins in a New England town,
Where Canada thistles and bowlders were plenty,
Where lived, on a farm, young Ezekiel Brown,
Unthoughtful of fame until past one and twenty.
He was green as a gosling, and little he knew
Of the devious ways of the great world outside,
Of the small country town where he flourished and grew,
Whose little affairs were a source of such pride
To the people who lived there, contented to plod,
And walk in the ways that their grandfathers trod.

But "Zeke" was progressive, and not like a crab,
To stay and go backward like others about him;
He'd a wonderful gift from a fellow called "Gab" —
(Where, where is the lawyer who gets on without him?)
Zeke would stand by the stove in the old country store
And argue and argue, for hours and hours;
To the loftiest flights in debate he would soar.
The shrewdest of talkers succumbed to his powers.
The wondering old Yankees looked on, and said, "Pshaw!
He wan't made for a farmer, he's cut for the law!"

So often this thought was suggested to him,
That he said to himself, "I'll jest lay down my hoe
An' leave the old farm where the prospect is slim
For a man o' my talents, ambitious to grow.
It's better to work in the shade with one's jaw,
Than to sweat in the sun for the dollars an' dimes;

An' the very best thing one can say o' the law
  Is that business is best in the hardest o' times."
Zeke's soul became filled with a sense of unrest;
He "pulled up his stakes" from the farm and went West.

He came to Chicago, one warm summer day,
  A thrifty young town, "where things went with a hop."
Here he drove in his stakes and determined to stay
  And work his way "up from the foot to the top."
His plausible tongue, his intelligent face,
  His shrewdness, persistence, and good common sense
Soon found him a very subordinate place
  In the little back office of Peckham and Pence,
Where, by struggling and working with purpose sincere,
He started himself in his famous career.

Here he labored with "Blackstone," with "Washburn," and
    "Kent,"
  Till his brain became weary of constantly reading.
He dozed over "Coke"; many long hours he spent
  With "Parsons on Contracts" and "Chitty on Pleading."
He went to the law school, where, patient and mild,
  The "good old professor" sat in his armchair,
(How well we remember the way that he smiled
  At the forensic flights of our fancy while there;
How fine his distinctions 'twixt whereas and moreover,
Devises, remainders, replevin, and trover).

Ezekiel said little, but sat there askance,
  With his big mouth wide open to catch every word;
In a seedy black coat and old cream-colored pants,
  Presenting a picture grotesque and absurd.
Yet the questions he asked the professor were clever,
  And the boys used to say, as they looked at his cheek,
"He's jest loadin' up for some future endeavor,
  Wait and see if the world don't sometime hear from Zeke."
He was great in "supposing" all sorts of strange cases
Which might have occurred in preposterous places.

Ezekiel at last to the bar was admitted.
  He opened an office and hung out his sign;

But like other lawyers was much to be pitied, —
No generous clients appeared in his line.
His friends were but few, and his purse it was slender;
His garments were threadbare at elbows and knees;
His chops were not juicy, his steak was not tender;
He "chinked in the corners" with crackers and cheese.
But his courage was grand, as he watched for his ship
With a hopeful young heart and a stiff upper lip.

One day a lone widow, with eyes that were red,
With a look that "betokened" she'd been in a row,
Came into his office, and tearfully said:
"Oh, good Mr. Liar, dhey've pounded me cow.
She hooked up dhe bars an' wint into dhe alley,
An' sthood dhere jist chewin' a wee bit o' hay,
Whin me neighbor, nixt door, Mrs. Michael O'Mally,
Jist up wid her apron an' shood her away.
An' before me boy Dinnis could put on his socks,
She kicked up her heels an' run'd off loike a fox.

"Dhin dhe bad boys dhey chased her and made her so schared-loike,
She stuck out her tail, an' she run'd down, down dhe sthrate,
Roight into a dood dhere dhat wuzn't prepared-loike —
Knocked him into the gutther, roight off o' his fate.
His feelin's were hurted. He made sich a row
A big, blue polace came along wid a shout,
An' drove off me poor, pritty, schared little cow,
Put her into dhe pen, an' I can't git her out.
Oh, plaze, Mr. Liar, take pity on me;
Oi'll do yer wake's wash if ye'll git me cow free."

When the case in the justice court came to be tried,
Ezekiel was there with his law books at hand.
The scene was pathetic; the lone widow cried,
And "woiped her two oies whin she took to dhe stand."
Ezekiel arose in behalf of the cow,
With cases to cite from the law books before him.

He told of the wherefore, the when, and the how, —
  The old gift of "Gab" seemed to steal softly o'er him;
And he pictured the woes of that cow with such power
The justice and jury all wept for an hour.

Though the statute was clear that a fine be imposed
  On owners of all cattle running at large,
The cow was released, and the widow vamosed,
  And did his "wake's washin'" without any charge.
This case made Ezekiel the talk of the city,
  And clients came to him with feelings of awe.
"Here's a man," they all thought, "so ingenious and witty,
  He clears every client in spite of the law."
Men and women came to him from all sorts of places;
It soon took two smart clerks to docket his cases.

Ezekiel grew famous, his clients all praised him;
  He did not protest when they proffered their pelf.
No desperate case ever puzzled or dazed him,
  Or shook his omnipotent faith in himself.
He dabbled in corner lots, let nothing slip
  Through his fingers worth keeping; his charges were steep;
By the practical use of his marvelous lip
  He climbed from the foot to the top of the heap;
And wondering old Yankees Down East now say, "Fudge!
Who'd ever a tho't he'd be talked on for judge?"

— Eugene J. Hall.

Justice

WHEN painters or sculptors give Justice a face,
  On her eyes a broad bandage to blind her they place,
But methinks, with all proper respect to the law,
She might judge so much better, the better she saw;
Tie her hands, if you please, and I care not how much;
She may look where she will — so you don't let her *touch!*

— Samuel Bishop.

A Lawyer's Lullaby

SLEEP, my little baby, sleep!
From the court of heaven the day
Has retreated far away
In the caverns of the deep.
Lawyer Night has won his suit,
And has ceased to prosecute.

Lullaby, sweet baby mine,
Slumber's claim must granted be,
Now above thee watchfully,
Stars in twinkling myriads shine,
Sheriffs set by night to keep
Guard above thee in thy sleep.

Sleep, my baby; at Life's bar
Love, himself, shall always plead;
And the angels from afar
In thy cause shall intercede.
Kisses pay the lawyer's fee;
Sleep, my baby, peacefully.

—JOHN ALBERT MACY.

Lines written in a Lawyer's Office

ON THE APPROACH OF SPRING

WHEREAS, on certain boughs and sprays
Now divers birds are heard to sing,
And sundry flowers their heads upraise;
Hail to the coming on of spring!

The songs of those said birds arouse
The memory of our youthful hours,
As green as those said sprays and boughs,
As fresh and sweet as those said flowers.

The birds aforesaid — happy pairs —
Love, 'mid the aforesaid boughs, inshrines
In freehold nests; themselves, their heirs,
Administrators, and assigns.

O busiest term of Cupid's Court,
Where tender plaintiffs actions bring —
Season of frolic and of sport,
Hail, as aforesaid, coming spring!

— Tom Taylor.

Winter

BY A LAWYER

A HEARTLESS lien upon the year
Is held by winter hoar,
A mortgage and a heartless lien
As told hereinbefore.
Bright summer now is dispossessed,
No more her face entrances,
Gone with her chattels and effects,
And her appurtenances.

Yes, summer gives a quit-claim deed
Of all her rosy dower,
A well-attested bill of sale
Of fountain, fruit, and flower —
Of all her earthly goods, to wit:
Buds, leaves, streams, held by her,
And winter is appointed heir
And sole executor.

— Sam Walter Foss.

Law's Ministering Hand

BENEATH the hand of Law all nature moves.
Along appointed grooves
Resistless force
Bears on the universe upon its course;
By Law's decree

Rules countless realms throughout immensity.
No flower-bud blows;
No bird-wing goes
Beating the air; no spark
Flashes and dies across the dark;
No beating sea
Lashes the shore; no soul goes free
Across time's upper air: no wing is bent
Across time's starry firmament
From other shores; no star
Burns 'midst the majesty of skies; no bar
Of mist ethereal spans the blue,
But nature's legend tells anew
Of Law's perfected harmonies. By Law's decree
Man grasps conceptions of infinity,
And shall he stand
Himself defiant of Law's ministering hand?

— GEORGE KLINGLE.

Ballad of Errors and Appeals

LIKE an army of locusts they come,
Crime, equity, contract, and tort,
From Circuit and District, and some
From the stately Superior Court;
Exceptions and error, report
And appeal, as the statute enacts,
And *certiorari*, which sort
We cannot reverse on the facts.

Here are briefs, a voluminous pile,
Fully stating the points *con* and *pro*,
The bills of exceptions on file,
Signed and sealed by the justice *a quo*,
The verdicts and findings below,
Stenographers' notes, and abstracts
Which must all of the evidence show,
Or we cannot reverse on the facts.

But see to the cases confused,
  The favoring presumption applied,
Discretion of court unabused,
  Objection below never tried;
  Harmless error sweeps many aside;
Thus daily our docket contracts;
  And unless a new trial was denied
We cannot reverse on the facts.

ENVOY (*per Curiam*)

  Attorneys, the court will decide
Points of law, construe statutes and acts;
  But let conflicts of evidence slide,
For it will not reverse on the facts.

— A. MACONOCHIE.

The Shyster

THE Shyster — Who is he? no specimen rare,
  Selected with painful and studious care
  From legal profession, which, none will deny,
  Has furnished the world with an ample supply.
One who is too lazy to work for his bread,
Or beg a fair competent living instead —
Too worthless for aught — too stupid to thrive —
A simmering drone in humanity's hive —
He turns to the law, whether better or worse,
To furnish a guard against poverty's curse.
Vainglorious attorney — Ah! whoever saw
That marvel of wisdom — that limb of the law
In common cheap *shoddy*, or shabby genteel,
In search of a *suit* or professional steal?
Conceiving that nature had never designed
That physical labor should fetter the mind,
But that genius, like his, should ever be taught
To soar far above in the regions of thought.
He scans a few pages of Story and Kent,
Then, closing his volume, is wholly content
To study no further, since that will suffice

To make an appearance both learnéd and wise.
Thus skilled in the law, he has nothing to do,
Except to look out for a client or two.
So, closing his office, he rambles the streets,
Repeats a coarse joke to each friend that he meets,
And seldom allows an occasion to pass
To blow off a little superfluous gas.
By nature a powerful absorbent, he gains
The practical knowledge of other men's brains,
Then secretly says as he catches the cue,
"Look wise and say nothing whatever you do;"
A key to the secret that leads to success,
His fortune to make, and his efforts to bless,
Till seen by the public, when shorn of disguise,
Stupidity wrapped in the cloak of the wise.
To Charity deaf, and to Poverty blind,
Alike, without favor, he fleeces mankind.
Among all the maxims the learnéd have taught,
One only is worthy the temple of thought,
On memory's tablet indelibly set,
"Get all that you can and keep all that you get."
Then woe to the client who follows his cause,
Through all the distinctions that Equity draws,
Through answers, demurrers, and technical phrase,
Through tedious wrangling, and buncombe displays
Of rhetoric, logic, and elegant grace,
To find, when the court has determined his case,
His lawsuit is gained, but his fortune is lost
In counselor's fees and the item of cost;
Then told, as he gathers the scattering wrecks,
The suit is now won — hand over your checks.
Indeed it appears most exceedingly strange,
That in the domain of philosophy's range,
The world in its wisdom has never divined
Why nature should be so indulgent and kind,
So many Herculean wonders allow
To follow the law instead of the plow.
To shirk from the harvest of billowing grain,
The hammer, the anvil, the chisel, and plane,
To bury the hatchet, the ax, and the spade;
To shrink from the sun, and to lounge in the shade,

Abandon an honest, respectable trade,
And mount a Quixotic, professional jade,
To move at a weary, laborious pace;
A failure in life and a lag in the chase,
While genius, if left to have chosen the steed,
Would lessen his labor, and quicken his speed
By shaping the talent that nature had cast,
To honor, to glory and victory at last.
But whether we reason, or whether we blame,
The facts of the case continue the same;
In spite of experience the law must be blest
With its sharks and its laggards as well as the rest;
And so the poor client, wherever he goes
For legal advice and mental repose,
Stops short but a moment and readily sees
The shingle of fortune hung out to the breeze,
Most handsomely labeled to give it *éclat*,
T. Jefferson Shyster, Attorney at Law.

— M. M. Teagar.

To Caliph Omar

MAR, who burned (if thou didst burn)
The Alexandrian tomes,
I would erect to thee an urn
Beneath Sophia's domes.

Would that thy exemplary torch
Might bravely blaze again,
And many manufactories scorch
Of book-inditing men!

Especially I'd have thee choke
Law libraries in sheep,
With fire derived from ancient Coke,
And sink in ashes deep.

Destroy the sheep — don't save my own —
I weary of the cram,
The misplaced diligence I've shown —
But kindly spare my Lamb.

And spare, oh, spare this suppliant book
  Against a time of need;
Hide it away in humble nook
  To serve for legal seed.

The man who writes but hundred pages
  Where thousands went before,
Deserves the thanks of weary sages,
  And Omar should adore.

— Irving Browne.

Jacob Homnium's Hoss

A NEW PALLICE COURT CHAUNT

ONE sees in Viteall Yard,
  Vere pleacemen do resort,
A wenerable hinstitute,
  'Tis called the Pallis Court.
A gent as got his i on it,
  I think 'twill make some sport.

The natur of this Court
  My hindignation riles:
A few fat legal spiders
  Here set & spin their viles;
To rob the town theyr privlege is,
  In a hayrea of twelve miles.

The Judge of this year Court
  Is a mellitary beak,
He knows no more of Lor
  Than praps he does of Greek,
And prowides hisself a deputy
  Because he cannot speak.

Four counsel in this Court —
  Misnamed of Justice — sits;
These lawyers owes their places to
  Their money, not their wits;
And there's six attornies under them,
  As here their living gits.

These lawyers, six and four,
  Was a livin at their ease,
A sendin of their writs abowt,
  And droring in the fees,
When there erose a cirkimstance
  As is like to make a breeze.

It now is some monce since,
  A gent both good and trew
Possest a ansum oss vith vich
  He didn know what to do:
Peraps he did not like the oss,
  Peraps he was a scru.

This gentleman his oss
  At Tattersall's did lodge;
There came a wulgar oss dealer,
  This gentleman's name did fodge,
And took the oss from Tattersall's;
  Wasn that a artful dodge?

One day this gentleman's groom
  This willain did spy out,
A mounted on this oss,
  A ridin him about;
"Get out of that there oss, you rogue,"
  Speaks up the groom so stout.

The thief was cruel whex'd
  To find hisself so pinn'd;
The oss began to whinny,
  The honest groom he grinn'd;
And the raskle thief got off the oss
  And cut avay like vind.

And phansy with what joy
  The master did regard
His dearly bluvd lost oss again
  Trot in the stable yard!

Who was this master good
  Of whomb I makes these rhymes?
His name is Jacob Homnium, Exquire;
  And if I'd committed crimes,
Good Lord! I wouldn't ave that mann
  Attack me in the *Times!*

Now shortly after the groomb
  His master's oss did take up,
There came a livery-man
  This gentleman to wake up;
And he handed in a little bill,
  Which hanger'd Mr. Jacob.

For two pound seventeen
  This livery-man eplied,
For the keep of Mr. Jacob's oss,
  Which the thief had took to ride.
"Do you see anythink green in me?"
  Mr. Jacob Homnium cried.

"Because a raskle chews
  My oss away to robb,
And goes tick at your Mews
  For seven-and-fifty bobb,
Shall I be called to pay? — It is
  A iniquitious Jobb."

Thus Mr. Jacob cut
  The conwasation short;
The livery-man went ome,
  Detummingd to ave sport,
And summingsd Jacob Homnium, Exquire,
  Into the Pallis Court.

Pore Jacob went to Court,
  A Counsel for to fix,
And choose a barrister out of the four,
  An attorney of the six:
And there he sor these men of Lor,
  And watched 'em at their tricks.

The dreadful day of trile
  In the Pallis Court did come;
The lawyers said their say,
  The Judge looked wery glum,
And then the British Jury cast
  Pore Jacob Hom-ni-um.

O a weary day was that
  For Jacob to go through;
The debt was two seventeen
  (Which he no mor owed than you),
And then there was the plaintives costs,
  Eleven pound six and two.

And then there was his own,
  Which the lawyers they did fix
At a wery moderit figgar
  Of ten pound one and six.
Now Evins bless the Pallis Court,
  And all its bold ver-dicks!

I cannot settingly tell
  If Jacob swaw and cust,
At aving for to pay this sumb;
  But I should think he must,
And av drawn a cheque for £24 4*s*. 8*d*.
  With most igstreme disgust.

O Pallis Court, you move
  My pitty most profound.
A most emusing sport
  You thought it, I'll be bound,
To saddle hup a three-pound debt,
  With two-and-twenty pound.

Good sport it is to you
  To grind the honest pore;
To pay their just or unjust debts
  With eight hundred per cent. for Lor;
Make haste and git your costes in,
  They will not last much mor!

Come down from that tribewn,
Thou Shameless and Unjust;
Thou Swindle, picking pockets in
The name of Truth august:
Come down, thou hoary Blasphemy,
For die thou shalt and must.

And go it, Jacob Homnium,
And ply your iron pen,
And rise up Sir John Jervis,
And shut me up that den;
That sty for fattening lawyers in,
On the bones of honest men. PLEACEMAN X.

— WILLIAM MAKEPEACE THACKERAY.

A Life Sentence

THE maid is guilty, and well knowing it,
She hangs her head;
With downcast eye and bosom all a-tremble,
Betraying red,
Upon her cheeks the virgin glows assemble.

And now she stands before the court supreme,
To be accused
Of theft — of bold and daring robbery;
With hope infused,
I prosecute the maid relentlessly.

And now the case is argued *pro* and *con*;
In measured tone,
His Honor asks, when no excuse is pled,
"Now, dost thou own
Thy guilt, or plead'st thou innocence instead?"

The winsome pris'ner blushed, "The charge is true,
I stole his heart."
Then speaks Judge Cupid from his seat above,
"I do my part,
I sentence thee for Life behind the bars of Love."

— HENRY COOLIDGE SEMPLE.

Cooper *v.* Bloodgood

[32 N. J. Eq. 209]

COOPER foreclosed a mortgage made by Bloodgood
upon land,
A part whereof was river bank, and part was tidal
strand.
Complainant's assignor conveyed, by deed of warranty
And covenant, that he had full right to grant the same in fee,
And make the title to extend to mean low-water mark;
And so such deed was drawn up by the scrivener or his clerk.

This was infringing State domain, because, as you can see,
The courts declared high-water line the limit of the fee;
And when the time to answer came, why, the defendant, he
Put into the complainant's bill a strong protesting plea,
And said the title was not good to such a part of that
As was but water at high tide, at low tide a mud flat.
He was an oyster fisherman, and bought the property
For purposes connected with that kind of fishery;
And he had made improvements there, and spent a lot of "tin"
In building slips and wharves to keep his boats and bivalves in.
So as his grantor had conveyed the waters of the State,
He was advised to go and see the man who was the great
Head-centre of "riparian" rights, who told him that in law
His lunar title was not worth an oyster-shell or straw.
Then he took out a lease, just as prescribed by statute rule,
For which he pays an annual rent, to help the public school:
His lawyer told him not to pay the mortgage he had made,
Without offsetting what he had for such improvements paid;
And so he did decline to give complainant what seemed due
Upon the bond and mortgage, marked Exhibits One and Two.
Wherefore from hence to be dismissed, with costs, he now
would pray,
And be decreed in equity, to go without a day.

Complainant urged defendant was an expert oysterman,
And well acquainted with the laws of rights ripari-an.
Besides, he said, I have here now, and show you, worthy sirs,

A license issued by the board of chosen freehold-ers,
Being a document herein of vital pith and core,
And by the master in this cause marked as Exhibit Four,
Because it was a part of the conditions of the sale,
And shows the tidal grant did not in any aspect fail;
It was besides an older grant than said riparian lease,
And from that lunar document knocked every spot of grease.
From all of which, complainant says, it plainly now appears
Defendant had the right to build docks, wharves, and slips
and piers,
And having that, and knowing too just what he was about,
He cannot plead his mother did not know that he was out,
And ask relief to free him from the promise he had made,
By entering a decree herein, the debt should not be paid.

The Chancellor *advisare vult*, and then he says, says he,
Having considered, I adjudge, and order and decree,
Because from license, lease, and facts, it does appear to me,
The merits, law, and principle, justice and equity
Of this riparian, lunar case are with the mortgagee,
And by assignment appertain unto his assignee,
As *vide* same marked in this cause Exhibit No. Three;
Defendant was familiar with riparian tidal right,
And knew precisely what he took with land hermaphrodite;
All which appearing very plain and free from any doubt,
My judgment in the matter is — defendant must shell out.

The lawyers got their costs, and the complainant got the land,
And still a part is river bank, and part is tidal strand;
And standing on the bluff you see the sea at Sandy Hook
Across the waters, out of which the oyster-fish are took.
Hence oyster fishermen may learn this lesson from the rule,
Don't take out a riparian lease, and don't be such a fool
To pay an annual interest to State or public school,
Until you are quite certain, and each surely re-mem-bers
No license had been issued by the chosen freeholders;
For if you do the two will cost in rent and taxes double,
And lease and license roll on you a tidal wave of trouble;
Lawyers will get the oyster, and it will be mighty well
If you get one, and t'other man the other oyster shell.

— WILLIAM PATERSON.

The Poor Attorney

MORN and evening, in an easy chair
Sits an attorney sadly musing;
Morn, noon, and evening, sitting there,
Blackstone, Coke, and Littleton perusing,
With an air
Of anxious waiting, in his easy chair.

Boots unpolished, and cravat awry,
Feet exalted on a dingy table,
Coat undusted, and a dreamy eye;
Talk of fees to him seems all a fable.
"By and by!"
He, uprising, mutters, with a sigh.

Morn, and noon, and evening, "Well-a-day!"
It is strange that modest merit never
Did succeed, as all old people say
It never did; though so very clever,
He for aye
Must wait till every dog has had his day.

There he sits, with hand beneath his chin,
Hears the wind about the casements humming;
Hopes, to cheer him, some one may drop in,
Wonders when the good time is a-coming.
Pale and thin,
Sits there with his hand beneath his chin.

Dreams he has dreamed till he is gray,
Each dream has in its turn betrayed him,
And their ghosts seem mockingly to say,
"Ample propositions hope once made him."
Law's delay
Has turned the poor attorney gray.

So he sits there; the good God doth know
How his rent and tailor's bills he's paying;

Ne'er on him did prosperous breezes blow,
Or swell his sails, while he a-wanton straying:
Why 'tis so,
Poor attorney, the good God doth know.

So he sits there; let us hope that still
"They also serve who only stand and wait";
Who "shapes our ends, rough hew them as we will,"
The partial goddess, fortune called, or fate,
Yet may fill
His cup with good, although he sitteth still.

— Hiram Ozias Wiley.

The Annuity

I GAED to spend a week in Fife —
An unco week it proved to be —
For there I met a waesome wife
Lamentin' her viduity.
Her grief brak out sae fierce and fell,
I thought her heart wad burst the shell;
And — I was sae left to mysel' —
I sell't her an annuity.

The bargain lookit fair eneugh —
She just was turned o' saxty-three —
I couldna guessed she'd prove sae teugh
By human ingenuity.
But years have come, and years have gane
And there she's yet as stieve's a stane —
The limmer's growin' young again,
Since she got her annuity.

She's cried awa' to bane an' skin;
But that it seems is naught to me;
She's like to live — although she's in
The last stage o' tenuity.
She munches wi' her wizened gums,
An' stumps about on legs o' thrums,

But comes — as sure as Christmas comes —
To ca' for her annuity.

She jokes her joke, an' cracks her crack,
As spunkie as a growin' flea —
An' there she sits upon my back,
A livin' perpetuity.
She hurkles by the ingle side,
An' toasts an' tans her wrunkled hide —
Lord kens how lang she yet may bide
To ca' for her annuity.

I read the tables drawn wi' care
For an Insurance Company;
Her chance o' life was stated there,
Wi' perfect perspicuity.
But tables here or tables there,
She's lived ten years beyond her share,
An's like to live a dozen mair,
To ca' for her annuity.

I got the loon that drew the deed —
We spelled it o'er right carefully; —
In vain he yerked his souple head,
To find an ambiguity:
It's dated — tested — an' complete —
The proper stamp — nae word delete —
And diligence, as on decreet,
May pass for her annuity.

Last Yule she had a fearfu' hoast —
I thought a kink might set me free;
I led her out, 'mang snaw and frost,
Wi' constant assiduity.
But Deil ma' care! — the blast gaed by,
An' miss'd the auld anatomy;
It just cost me a tooth, forbye
Discharging her annuity.

I thought the grief might gar her quit —
Her only son was lost at sea —

But aff her wits behuved to flit,
An' leave her in fatuity!
She threeps, an' threeps, he's livin' yet,
For a' the tellin' she can get;
But catch the doited runt forget
To ca' for her annuity.

If there's a sough o' cholera
Or typhus — wha sae gleg as she?
She buys up baths, an' drugs, an' a',
In siccan superfluity!
She doesna need — she's fever proof —
The pest gaed o'er her very roof;
She tauld me sae — an' then her loof
Held out for her annuity.

Ae day she fell — her arm she brak, —
A compound fracture as could be;
Nae Leech the cure wad undertak',
Whate'er was the gratuity.
It's cured! — She handles't like a flail —
It does as weel in bits as hale;
But I'm a broken man mysel'
Wi' her and her annuity.

Her broozled flesh an' broken banes,
Are weel as flesh an' banes can be.
She beats the taeds that live in stanes,
An' fatten in vacuity.
They die when they're exposed to air —
They canna thole the atmosphere;
But her! expose her onywhere, —
She lives for her annuity.

If mortal means could nick her thread,
Sma' crime it wad appear to me;
Ca't murder — or ca't homicide —
I'd justify't — an' do it tae.
But how to fell a wither'd wife
That's carved out o' the tree o' life —
The timmer limmer daurs the knife
To settle her annuity.

I'd try a shot. — But whar's the mark? —
Her vital parts are hid frae me;
Her backbane wanders through her sark,
In an unkenn'd corkscrewity.
She's palsified — and shakes her head
Sae fast about, ye scarce can see't;
It's past the power o' steel or lead
To settle her annuity.

She might be drowned: but go she'll not
Within a mile o' loch or sea; —
Or hanged — if cord could grip a throat
O' siccan exiguity.
It's fitter far to hang the rope —
It draws out like a telescope;
'Twad tak a dreadfu' length o' drop
To settle her annuity.

Will puzion do't? — It has been tried;
But, be't in hash or fricassee,
That's just the dish she can't abide,
Whatever kind o' *gout* it hae.
It's needless to assail her doubts, —
She gangs by instinct — like the brutes —
An' only eats and drinks what suits
Hersel' an' her annuity.

The Bible says the age o' man
Threescore an' ten perchance may be;
She's ninety-four; — let them wha can
Explain the incongruity.
She should hae lived afore the Flood —
She's come o' patriarchal blood —
She's some auld Pagan mummified
Alive for her annuity.

She's been embalm'd inside and out —
She's sauted to the last degree —
There's pickle in her very snout,
Sae caper-like an' cruety;

Lot's wife was fresh compared to her;
They've Kyanized the useless knir;
She canna decompose — nae mair
Then her accursed annuity.

The water drap wears out the rock
As this eternal jaud wears me;
I could withstand the single shock
But no the continuity.
It's pay me here — an' pay me there —
And pay me, pay me, evermair;
I'll gang demented wi' despair —
I'm *charged* for her annuity.

— GEORGE OUTRAM.

The Rush to the Bar

[AIR. — "THE LOW-BACKED CAR"]

NOW listen, and I'll sing you
Some light and artless rhymes.
We need such lays our hearts to raise
In these distressful times.
The song that I will sing you
Is not of deeds of war,
But about the lads that come in squads,
To join the Scottish Bar.

CHORUS

To enter the ranks of the Bar
They are flocking from near and far!
I think they are mad, but still I am glad
That there should be such faith in the Bar.

No year that we remember,
Such a crop of them has seen,
There have passed since last December,
Not less than *seventeen!*
And *eight* have paid their entrance fees,
Who'll pass, no doubt, next year,
To walk the boards, and increase the hoards,
The widows' souls that cheer.

CHORUS

Such a rush as there is to the Bar,
In spite of hard times and war!
Their wigs when they don, I hope they'll get on,
And be pleased that they came to the Bar.

To us behind the scenes here,
The sight seems rather strange;
For trade is slack, though there's no lack
Of movement and of change;
Our prizes are not many,
And when a chance we see,
The question now seems always how
That they may best abolished be!

CHORUS

But yet they come on to the Bar,
Each hoping to prove a star,
The places to fill, that are vacant still,
Of the former great lights of the Bar.

To the learned Examinators
You'll justice do, I'm sure,
Their work has been, as you may ween,
This year no sinecure.
'Tis reckoned a proof of vigor
To yield at a birth two or more;
But what will you say when in one day
Our Faculty brought forth Four!

CHORUS

Thus we keep up the life of the Bar,
And from dread of extinction are far!
While promising boys come to add to our joys,
And share in the luck of the Bar.

Then pledge the bold young jurists
Who have joined our ranks this year;
Their healths we'll drink, whatever we think
Of the folly that brings them here.

I hope they have private fortunes,
To furnish the sinews of war;
If not, let us pray, they never may say,
We were daft when we thought of the Bar.

CHORUS

So let them come on to the Bar,
Things can scarcely be worse than they are!
Here's success to the lads, who are coming in squads
To prove that there's life in the Bar!

— ALEXANDER NICOLSON.

A Case of Libel

"The greater the truth, the worse the libel"

A CERTAIN Sprite, who dwells below
('Twere a libel, perhaps, to mention where),
Came up *incog.*, some years ago,
To try, for a change, the London air.

So well he looked, and dressed, and talked,
And hid his tail and horns so handy,
You'd hardly have known him, as he walked,
From C—e, or any other Dandy.

(His horns, it seems, are made t' unscrew;
So, he has but to take them out of the socket,
And — just as some fine husbands do —
Conveniently clap them into his pocket.)

In short, he looked extremely natty,
And even contrived — to his own great wonder —
By dint of sundry scents from Gattie,
To keep the sulphurous *hogo* under.

And so my gentleman hoofed about,
Unknown to all but a chosen few
At White's and Crockford's, where, no doubt,
He had many *post-obits* falling due.

Alike a gamester and a wit,
  At night he was seen with Crockford's crew,
At morn with learned dames would sit —
  So passed his time 'twixt *black* and *blue*.

Some wished to make him an M.P.,
  But, finding W—lks was also one, he
Swore, in a rage, "he'd be d—d if he
  Would ever sit in one house with Johnny."

At length, as secrets travel fast,
  And devils, whether he or she,
Are sure to be found out at last,
  The affair got wind most rapidly.

The Press, the impartial Press, that snubs
  Alike a fiend's or an angel's capers —
Miss Paton's soon as Beelzebub's —
  Fired off a squib in the morning papers:

"We warn good men to keep aloof
  From a grim old Dandy, seen about,
With a fire-proof wig and a cloven hoof,
  Through a neat-cut Hoby smoking out."

Now — the Devil being a gentleman,
  Who piques himself on well-bred dealings —
You may guess, when o'er these lines he ran,
  How much they hurt and shocked his feelings.

Away he posts to a Man of Law,
  And 'twould make you laugh could you have seen 'em,
As paw shook hand, and hand shook paw,
  And 'twas "hail, good fellow, well met," between 'em.

Straight an indictment was preferred —
  And much the Devil enjoyed the jest,
When, asking about the Bench, he heard
  That, of all the Judges, his own was *Best*.

In vain Defendant proffered proof
That Plaintiff's self was the Father of Evil —
Brought Hoby forth, to swear to the hoof,
And Stultz to speak to the tail of the Devil.

The Jury (saints, all snug and rich,
And readers of virtuous Sunday papers)
Found for the Plaintiff — on hearing which
The Devil gave one of his loftiest capers.

For oh, 'twas nuts to the Father of Lies
(As this wily fiend is named in the Bible)
To find it settled by laws so wise,
That the greater the truth, the worse the libel.

— THOMAS MOORE.

Lord Chancellor's Song

THE Law is the true embodiment
Of everything that's excellent.
It has no kind of fault or flaw,
And I, my Lords, embody the Law.
The constitutional guardian I
Of pretty young Wards in Chancery,
All very agreeable girls — and none
Are over the age of twenty-one.
A pleasant occupation for
A rather susceptible Chancellor!

But though the compliment implied
Inflates me with legitimate pride,
It nevertheless can't be denied
That it has its inconvenient side.
For I'm not so old, and not so plain,
And I'm quite prepared to marry again,
But there'd be the deuce to pay in the Lords
If I fell in love with one of my Wards!
Which rather tries my temper, for
I'm *such* a susceptible Chancellor!

And every one who'd marry a Ward
Must come to me for my accord;
And in my court I sit all day
Giving agreeable girls away,
With one for him — and one for he —
And one for you — and one for ye —
And one for thou — and one for thee —
But never, oh, never a one for me!
Which is highly exasperating for
A highly susceptible Chancellor!

— William Schwenck Gilbert.

Not All a Dream

A LAWYER by his well-worn desk
Sat silent and alone,
The fire athwart the office hearth,
In fitful fashion shone.

The night was dark, the pelting storm
Beat 'gainst the window pane;
Before him lay his latest brief,
Each point and ref'rence plain.

On broken chairs, huge piles of books
An ample fortress made;
His trusty pen, all charged with ink,
Within his reach was laid.

A sputt'ring candle burning dim
Could ne'er dispel the gloom,
That like a pall in dusky folds
O'erhung the silent room.

The bell tolls out the hour of twelve,
The watchman cries, "All's well."
His ear seems deaf to earthly sounds,
They ne'er can break the spell.

Tired nature may have yielded sway
To sleep's enchanting thrall,
While busy fancy roams elate
Thro' mem'ry's pictured hall.

He sees perchance his dear old home,
The fount of purest joys,
Lives o'er again his halcyon days
With romping girls and boys.

A hoidenish youth away at school,
In hot pursuit of knowledge,
He solves the problem of his life,
And graduates from college.

Now flushed with manhood's vig'rous bloom,
That sheds a sweet aroma,
He marches forth to fight for fame,
The weapon his diploma.

He enters now the district school,
To be a famous teacher,
But soon concludes 'twere better far,
To be a noted preacher.

But when compelled a choice to make
Among the many roads,
He finds that one, and only one,
Can reach the blest abodes.

While on the guideboard of each creed
Is marked man's destination,
Each preacher claiming his own road,
Secures the soul's salvation;

While all the rest lead straight to hell,
Tho' with the best intention,
Where souls immortal suffer pains
No human tongue should mention.

The risk so great of being wrong,
'Tis truly most appalling.
He then resolves without delay
To seek some other calling.

He turns to law, and straightway reads
Blackstone and Kent and Chitty,
Then crams himself with precedents,
Prosy and wise and witty.

The Code of eighteen forty-eight,
He masters ev'ry section,
And feels that now he has made sure
His calling and election.

At Gen'ral Term he then applies,
Is readily admitted,
To practise law in all the courts,
His license thus permitted.

An office then is sought and found,
And outside hung his shingle,
He's now prepared to serve the world,
With eye to business single.

For weeks he walks his office floor,
Both bold and self-reliant,
And lo! his heart begins to sink,
For he has found no client.

He visits then the city courts,
Both civil and police,
And wisely talks of suits-at-law,
And breaches of the peace.

A month rolls by, his rent's to pay,
His board bill's in arrears,
And not one dollar in his purse —
His heart gives way to fears.

His honor pledged is now at stake,
He deems it worth redeeming;
But how to do it is the thing
Without resort to scheming.

He chances in the higher court,
While prisoners are pleading;
The judge assigns him to defend
A woman charged with stealing.

He hears her story to the end,
How loved, ruined, and slighted,
By her false lover's perjured oath,
Imprisoned and indicted.

His manhood's roused, his soul on fire,
'Tis not for gold or glory,
His noble heart then pleads her cause,
Tells her pathetic story.

The judge and jury are in tears,
And hardened men are weeping,
While all thank God her cause was placed
In such a worthy keeping.

The judge delivers next his charge,
The jury now retire,
And our young lawyer's manly speech,
The people all admire.

The jury quick returns to court,
And soon are in their places,
The verdict's read by ev'ry one,
Upon their glowing faces.

"Not guilty," the foreman says;
The people all are cheering,
The advocate has won their hearts,
And praises most endearing.

His office soon is overrun,
No waiting now for clients,
His mark he's made, and he's prepared
To tussle with the giants.

He earns an honest livelihood,
Is honored and respected,
Of fraud or wrong his skirts are clear,
He never is suspected.

Long years he leads a busy life,
Down to the present moment,
And here he sits with harness on,
Apparently somnolent.

And can it be with thoughts like these,
His busy brain is teeming,
Or with that cold and vacant stare,
He now is only dreaming?

I call his name, he answers not,
Then proffer a retainer;
His hand is still, he must be dead,
Nothing can be plainer.

The coroner sat on the case,
A jury was selected,
And soon the cause of his demise
Was easily detected.

The doctors a *post mortem* made,
And found — tho' loath to tell 'em,
Three thousand sections of Throop's "Code"
Lodged in his cerebellum.

And out of mercy to the bar,
They made the wise suggestion,
Which by the jury was endorsed,
"He died of indigestion."

— A. B. Pratt.

Rules of Descent in the United States

AS LAID DOWN BY KENT IN 1831

IF one dies owning an estate,
It lineally must gravitate;
If but one heir it will annex,
To him or her in spite of sex;
If there be more, as well there may,
They all shall take *per capita*.

But if degrees, perchance, there be,
Of different consanguinity,
As sons and grandsons, all shall take,
And an estate in common make;
But such grandsons have cause to fear it.
They'll not an item more inherit,
Than would have been their father's share,
Had he been the living heir.

But if the owner meets his fate —
No lineal heir to his estate;
We've dared the Common Law to mend,
And his estate shall now ascend.

Again, in case the owner do
Lack issue and lack parents too,
His brothers and his sisters shall
Succeed by rules collateral.
If brothers, sisters, nephews, nieces,
They then will take in equal pieces;
If some be dead, some living be,
They'll take by nearness of degree.

And in default of father, mother,
And nephews, nieces, sisters, brother,
Or issue, the estate can't fall,
But yet it will rise above them all.

Again, and if perchance there shall
Be no descendants lineal — _
If parents, brothers, sisters, none,
With their descendants 'neath the sun,
Nor the grandparents, the estate
Shall by unerring, legal fate
Unto the aunts and uncles wend,
And those who from them may descend;
If equally related, they
Will take their part *per capita;*
But if in different degrees,
They all shall then take per "stirpes."
Provided, if the intestate had
Derived his living from his dad,
It shall to aunts and uncles slide,
And issue on the father's side;
And if none such there be, perchance,
Then to the uncles and the aunts
On the maternal side 'twill go;
And this rule works *e converso.*

This eighth last rule, it seems to me,
Is rather stiff for poetry.

— T. W. Davidson.

Between Two Hawks

BETWEEN two hawks, which flies the higher pitch;
Between two dogs, which hath the deeper mouth;
Between two blades, which bears the better temper;
Between two horses, which doth bear him best;
Between two girls, which hath the merriest eye;
I have perhaps some shallow spirit of judgment;
But in these nice sharp quillets of the law,
Good faith, I am no wiser than a daw.

— William Shakespeare.

"King Henry VI.," part I., act II.

My Widow

A BACHELOR born (a common fate),
And doomed to die a celibate,
Still I must pay thine annual rate,
My widow!

I'm trapped! A wife you may divorce,
Get rid of her by fraud or force;
With thee there's no such blest resource,
My widow!

No wife in this drear world have I;
And in the other, when I die,
Thy sweet face will not greet my eye,
My widow!

Mateless in both worlds thus I am;
Yet I *must* pay, O shameful sham!
No wonder that I often damn
My widow!

Doubly bereft, 'tis I should be
Put on the Fund; and yet on thee
Devolves the snug annuity,
My widow!

Full many a maid have I embraced;
But never did I clasp thy waist,
Nor nectar of thy lips did taste,
My widow!

What art thou like? Art dark or fair?
With carroty or raven hair?
Of common or *distingué* air?
My widow!

"With meek and unaffected grace,"
Dost thou put on a pious face?
Dost *girn* or giggle or grimace
My widow!

"You pay your money, take your choice,"
In all things else; but I've no voice
In that which does thy heart rejoice,
My widow!

Ah, never shall I call thee wife;
Ne'er see thy lineaments in life;
Never enjoy connubial strife,
My widow!

From death's dim realm a ghostly hand
I'll stretch to thee and all the band
Of shadowy babes that round thee stand,
My widow!

We ne'er shall see (at which I'm grieved)
Our family, all unachieved;
Conceivable, but unconceived,
My widow!

— David Crichton.

In Court

MORRIS and Maine, two lawyers shrewd,
Though they themselves may like the sport,
Talking of felloes and of tires,
Tire all the fellows in the court.

— William Hayden.

On Chevril the Lawyer

NO cause, nor client fat, will Chevril leese,
But as they come, on both sides he takes fees,
And pleaseth both; for while he melts his grease
For this, that wins, for whom he holds his peace.

— Ben Jonson.

Law of Husband and Wife

[SUPERIOR COURT, MAY TERM, 1837]

THE STATE *v.* HENRY DAY

Semble, that if A kills his bride,
Such killing is not suicide.

Baron and feme are only one,
If any ill the wife hath done;
If any crime the man doth do,
Baron and feme are clearly two.

In either case, or one or two,
The *baron* must the penance do.

'TIS the hour of ten,
And a crowd of men
Wait at the door of the Justice Hall —
Bailiffs and suitors and jurors and all;
And a murmur loud
Runs thro' that crowd,
And ev'ry man gives his neighbor a nudge,
And all of them mutter, "Here comes the judge."

The passage is cleared,
And the judge has appeared;
A mild-looking man with a youthful face,
He strides up the hall, and he takes his place;
With "Silence!" the crowded hall resounds,
But not another note the curious list'ner wounds.

The sheriff "Oh, yes! Oh, yes!" hath bawled,
The witnesses come, and the jurors are called;
"Let the pris'ner be brought;"
'Tis done, quick as thought;
A pale little man with a twinkling eye,
And an Amazon standing his shoulder by.
"Let the charge now be read."
'Tis done, quick as said.
"The jurors of this county town

Do, thro' their foreman, Moses Brown,
Charge and accuse that Henry Day,
Upon the seventh of this May,
Not having law before his eyes,
But urged on to the crying evil,
By sore seduction of the devil
(That hoary father of all lies),
Did bruise and wound and badly beat
His present wife, late Julia Sweet,
And other wrongs to his said mate,
All *contra pacem* of the State;
This is the charge against you brought,
Day, is it true, or is it not?"

The captive spake: "I own the strife,
I don't deny I struck my wife,
And for that part, where you aver,
The devil did my spirit stir,
'Tis true — for I was moved by her;
The dying sinner's wildest groans
Are music, to her gentlest tones,
And for her blows — alas, my bones!
Well, let it pass — perhaps 'twas wrong,
But I had borne her curses long,
And I am weak, and she is strong.
Let that, too, pass — I've done my best,
My counsel there must say the rest."

The pris'ner ceased. His counsel rose,
He smoothed his hair, he blew his nose,
Then spake he: "If your Honor please,
The points that mark this case are these,
This man has been from the beginning
Rather more sinned against than sinning;
'Tis hard to bear a woman's strife,
E'en if that woman be your wife;
'Tis hard to have a wife at all,
Yet not for that your grace I call;
If we admit the deed was done,
Yet man and wife are only one;
And though we've read of many a fool,

Trained up in superstition's school,
Who penance for his errors found
In many a self-inflicted wound,
Yet in no court beneath the sun
Hath he for that more penance done;
Tho' we despise the stupid elf,
He has a right to whip himself."
He ceased. 'Tis far the safest way
When one has nothing left to say.

Up rose the counsel for the State,
And thus kept up the sage debate:
"My learned brother's legal ground
Is far more specious, sir, than sound;
'Tis true, so doth the proverb run,
That 'man and wife are only one,'
But 'tis a fiction of the law,
Not meant to cover baron's flaw.
Suppose in matrimonial strife
That A should stab and slay his wife,
My learned brother must agree
That this is not *felo de se;*
The facts are owned — the law is clear,
And he his punishment must bear."

Now speaks the judge, in accents loud and clear,
Whilst not another sound disturbs the listening ear.
"I'll not detain the jury long;
The counsel is both right and wrong.
If any ill the wife hath done,
The man is fined — for they are one;
If any crime the man doth do,
Still he is fined — for they are two;
The rule is hard, it is confessed,
It can't be helped — *lex ita est.*"

"Let the passage be cleared."
The crowd disappeared.
"Now call me the chief of the bailiffs here:
Sheriff, let it be thy care,
That this jury do not see

Food or drink 'till they agree;
(Woe to thee, if but one word
From other lips by them is heard).
Be it thine especial charge
That they go no more at large
Until they notify to thee
That in this matter they agree.
Go, if thou abuse thy power,
Thy fate is fixed this very hour!"

Again
'Tis ten;
Once more I sought that hall,
The judge looked cross — the bailiffs crabbed,
The clerk and sheriff almost rabid,
For why? They had not slept at all:
And he, the chief of the bailiffs there,
Who had taken the jury under his care,
Look's thirsty and vexed as a wounded bear.
Oh, if the mother, that man that bore
Had seen him there at that jury door,
She never had known her offspring more.

What sound comes forth from the jury room,
Is it a curse,
Or something worse,
Or some poor devil bewailing his doom;
Or can it be the fearful cry
Of hungry jurors' agony?
'Tis whispered around,
That no verdict is found,
That the jury in vain have sought to agree,
That some think *her* as much to blame as he,
And both to blame exceedingly.

I came away,
Thro' that justice door,
I've never seen Day,
From that time more;
I would not be willing to say or swear,
That those bailiffs and jurors are not still there;

But this I can tell,
For I know it full well,
That when last thro' that justice hall I passed
The jury their food and drink were missing,
While the made-up pair were feasting and kissing.

MORAL AND SEQUEL

Jove laughs at lovers' vows and shame,
And men had better do the same.

— R. M. CHARLTON.

To my Office Landlord

'TIS kind of you to slave and drudge,
Collecting rents and sich;
Whilst I, not needing once to budge,
Am sought by clients rich.
I like it so; yet one complaint,
I humbly feel, is just;
'Tis of your gentle charladies
Who sweep but never dust.

By what I have to tell I know
You will be sadly grieved;
Even by our broker or our foe
'Tis hard to be deceived;
But harder far to be outdone
By those we fondly trust, —
The maids, *e.g.*, whom we engage
To sweep and eke to dust.

I like to have my office neat
And homelike; here I spend
My greater half of waking life
With client, self, or friend;
And so I brought from home my books,
My pictures, and a bust;
But where they are your hirelings know
Who sweep but never dust.

You let the gasman's pipes go through
Your house, that I may see;
You spare my haughty spirit, too,
(He sends his bills to me).
For my unworthy sake, God wot,
Full often you've discussed
Those maids of Cork and char who come
And sweep but do not dust.

I laid my latest brief upon
My desk with open page;
It lies an ancient manuscript,
Begrimed and gray with age;
'Tis Story's style; 'twould surely pass
For his; and yet I must
Not profit by the sins of those
Who sweep but do not dust.

Six months ago I took this room,
Some fifteen feet by ten;
Where is my spacious office? Where
The light that pleased me then?
The windows scarce show bright; the walls
Are thick as with a rust;
And seven by nine's its present size, —
Alas! they would not dust.

It breaks my heart to speak to you;
I tried it first with them;
Their cold and fishy stare went through
Me like a rapier's stem;
Their sad, reproachful words quite froze
My blood; ah, no, I've fussed
My first and only time with those
Who sweep but will not dust.

You've an expensive family;
I know you can't be small;
Newport, Tuxedo, — Europe, too,
They've got to haunt them all;
To give them yachts and horses you

Must earn your daily crust;
How can you give your mind to maids
Who sweep but do not dust?

And yet, dear landlord, if you would
Just do as I desire,
'Twould give me back my peace of mind
And bring religion nigher;
You're brave; why won't you steel your heart
And boldly "face the wust,"
By bidding this your hireling crew
To sweep and then to "dust"?

— GEORGE HERBERT STOCKBRIDGE.

In Contempt

INTO a trial court, by chance, one day,
Two Irish gentlemen did idly stray;
His Honor was calling a case between
Timotheus Smith versus John McQueen
Counselor Jennings, with a bald old pate,
Began the jury to interrogate;
First, tendering four, to Counselor Clair,
Whose shining cranium was minus hair.

"Arrah! Ted," said Pat, to his Irish mate,
"Be the powers that be — these men ornate,
Who're tryin' the case, are wather scald;
Fa'th the skelps o' the lawyers both are bald!
I'll bet" —"Order! gentlemen," roared the judge;
"Orther!" cried Pat, giving Teddy a nudge.
"Bring up the culprits before the court!"
"What fer, yer Honor?" was the quick retort.

"Let a fine be entered for contempt!"
"Contimpt? Why! Yer Honor, 'twas niver drimpt!
I was merely offerin' my brother Ted,
To wager a bit on the lawyer's head;

Whin, yer Honor, yers'lf did fret an' frown
I was goin' to put five dollars down
That the bald-headed lawyer would win the case,
Divil I'll bet — if it offinds yer Grace."

— WILLIAM C. JONES.

The Will

BEFORE I sigh my last gasp, let me breathe,
Great Love, some legacies: here I bequeath
Mine eyes to Argus, if mine eyes can see,
If they be blind, then, Love, I give them thee;
My tongue to Fame; to embassadors mine ears;
To women, or the sea, my tears;
Thou, Love, hast taught me heretofore
By making me serve her who had twenty more,
That I should give to none, but such as had too much before.

My constancy I to the planets give;
My truth to them who at the court do live;
Mine ingenuity and openness
To Jesuits; to buffoons my pensiveness;
My silence to any who abroad have been;
My money to a Capuchin.
Thou, Love, taught'st me, by appointing me
To love there, where no love received can be,
Only to give to such as have an incapacity.

My faith I give to Roman Catholics;
All my good works unto the schismatics
Of Amsterdam; my best civility
And courtship to an University;
My modesty I give to shoulders bare;
My patience let gamesters share.
Thou, Love, taught'st me, by making me
Love her, that holds my love disparity,
Only to give to those that count my gifts indignity.

I give my reputation to those
Which were my friends; mine industry to foes;

To schoolmen I bequeath my doubtfulness;
My sickness to physicians, or excess;
To Nature all that I in rhyme have writ,
And to my company my wit.
Thou, Love, by making me adore
Her, who begot this love in me before,
Taught'st me to make as though I gave, when I do but restore.

To him, for whom the passing-bell next tolls,
I give my physic books; my written rolls
Of moral counsels I to Bedlam give;
My brazen medals unto them which live
In want of bread; to them which pass among
All foreigners, mine English tongue.
Thou, Love, by making me love one
Who thinks her friendship a fit portion
For younger lovers, dost my gifts thus disproportion.

Therefore I'll give no more, but I'll undo
The world by dying; because Love dies too.
Then all your beauties will be no more worth
Than gold in mines, where none doth draw it forth;
And all your graces no more use shall have,
Than a sundial in a grave.
Thou, Love, taught'st me, by making me
Love her, who doth neglect both me and thee,
To invent and practise this one way to annihilate all three.

— JOHN DONNE.

The Lawyer's Valentine

I'M notified, fair neighbor mine,
By one of our profession,
That this — the Term of Valentine —
Is Cupid's Special Session.

Permit me, therefore, to report
Myself, on this occasion,
Quite ready to proceed to Court,
And File my Declaration.

I've an Attachment for you, too;
A legal and a strong one;
Oh, yield unto the Process, do;
Nor let it be a long one!

No scowling bailiff lurks behind;
He'd be a precious noddy,
Who, failing to Arrest the mind,
Should go and Take the Body!

For though a form like yours might throw
A sculptor in distraction;
I couldn't serve a Capias, — no,
I'd scorn so base an action!

Oh, do not tell me of your youth,
And turn away demurely;
For though you're very young, in truth,
You're not an Infant surely!

The Case is everything to me;
My heart is love's own tissue;
Don't plead a Dilatory Plea;
Let's have the General Issue!

Or, since you've really no Defense,
Why not, this present Session,
Omitting all absurd pretense,
Give judgment by Confession?

So shall you be my lawful wife;
And I — your faithful lover —
Be Tenant of your heart for Life,
With no Remainder over!

— JOHN GODFREY SAXE.

Law's the Wisdom of all Ages

[FROM "HUDIBRAS"]

FOR law's the wisdom of all ages,
And manag'd by the ablest sages;
Who, though their bus'ness at the bar
Be but a kind of civil war,
In which th' engage with fiercer dudgeons,
Than e'er the Grecians did, and Trojans;
They never manage the contest
T' impair the public interest;
Or by their controversies lessen
The dignity of their profession:
Not like us brethren, who divide
Our commonwealth, the cause, and side;
And though w' are all as near of kindred
As th' outward man is to the inward;
W' agree in nothing, but to wrangle
About the slightest fingle-fangle;
While lawyers have more sober sense,
Than t' argue at their own expense,
But make their best advantages
Of others' quarrels, like the Swiss:
And out of foreign controversies,
By aiding both sides, fill their purses;
But have no int'rest in the cause
For which th' engage, and wage the laws;
Nor further prospect than their pay,
Whether they lose or win the day.
And though th' abounded in all ages,
With sundry learned clerks and sages;
Though all their bus'ness be dispute,
Which way they canvass ev'ry suit;
Th' have no dispute about their art,
Nor in polemick's controvert.
While all professions else are found
With nothing but disputes t' abound;

Divines of all sorts, and physicians,
Philosophers, mathematicians;
The Galenist and Paracelsian,
Condemn the way each other deals in:
Anatomists dissect and mangle,
To cut themselves out work to wrangle;
Astrologers dispute their dreams,
That in their sleep they talk of schemes;
And heralds stickle who got who
So many hundred years ago.
But lawyers are too wise a nation,
T' expose their trade to disputation;
Or make the busy rabble judges
Of all their secret piques and grudges;
In which whoever wins the day,
The whole profession's sure to pay.
Besides, no mountebanks, nor cheats,
Dare undertake to do their feats;
When in all other sciences
They swarm, like insects, and increase.
For what bigot durst ever draw,
By inward light, a deed in law?
Or could hold forth, by revelation,
An answer to a declaration?
For those that meddle with their tools,
Will cut their fingers, if they're fools.

— Samuel Butler.

Paulus the Lawyer

"A SLAVE to crowds, scorched with the summer's heats,
In courts the wretched lawyer toils and sweats;
While smiling Nature, in her best attire,
Regales each sense, and vernal joys inspire.
Can he, who knows that real good should please,
Barter for gold his liberty and ease?"
This Paulus preached: — when, entering at the door,
Upon his board the client pours the ore:
He grasps the shining gifts, pores o'er the cause,
Forgets the sun, and dozes o'er the laws.

— Lindsay.

After reading the Will

From the painting by Carl Becker

Lewis *v.* State

[SYLLABUS]

Law — Paw — Guilt — Wilt

When upon thy frame the law
Places its majestic paw,
Though in innocence or guilt,
Thou art then required to wilt.

STATEMENT OF CASE BY REPORTER

THIS defendant, while at large,
Was arrested on a charge
Of burglarious intent,
And direct to jail he went.
But he somehow felt misused,
And through prison walls he oozed,
And in some unheard-of shape
He effected his escape.

Mark you, now: Again the law
On defendant placed its paw,
Like a hand of iron mail,
And resocked him into jail —
Which said jail, while so corralled,
He by sockage tenure held.
Then the Court met, and they tried
Lewis up and down each side,
On the good old-fashioned plan;
But the jury cleared the man.

Now, *you* think that this strange case
Ends at just about this place.
Nay, not so. Again the law
On defendant placed its paw.
This time takes him round the cape
For effecting an escape;
He, unable to give bail,
Goes reluctantly to jail.

LEWIS, tried for this last act,
Makes a special plea of fact:
"Wrongly did they me arrest,
As my trial did attest,
And while rightfully at large,
Taken on a wrongful charge,
I took back from them what they
From me wrongly took away."

When this special plea was heard
Thereupon the STATE demurred.

The defendant then was pained
When the Court was heard to say,
In a cold, impassive way,
"The demurrer is sustained."

Back to jail did LEWIS go,
But as liberty was dear,
He appeals, and now is here
To reverse the judge below.
The opinion will contain
All the statements that remain.

ARGUMENT AND BRIEF OF APPELLANT

As a matter, sir, of fact,
Who was injured by our act,
Any property, or man?
Point it out, sir, if you can.
Can you seize us when at large,
On a baseless, trumped-up charge;
And if we escape, then say
It is crime to *get* away —
When we rightfully regained
What was wrongfully obtained?

Please — the — Court — sir, what is crime?
What is right, and what is wrong?
Is our freedom but a song,
Or the subject of a rhyme?

ARGUMENT AND BRIEF OF ATTORNEY FOR THE STATE

When the STATE, that is to say,
We take liberty away —
When the padlock and the hasp
Leaves one helpless in our grasp
It's unlawful then that he
Even *dreams* of liberty —
Wicked dreams that may in time
Grow and ripen into *crime* —
Crime of dark and damning shape;
Then, if he perchance escape,
Evermore remorse will roll
O'er his shattered, sinsick soul.
Please — the — Court — sir, how can we,
Manage people who get free?

REPLY OF APPELLANT

Please — the — Court — sir, if it's *sin*,
Where does *turpitude* begin?

OPINION OF THE COURT. PER CURIAM

We — don't — make — law: we are bound
To interpret it as found.

The defendant broke away:
When arrested, he should stay.

This appeal can't be maintained,
For the record does not show
Error in the Court below,
And we nothing can infer.
Let the judgment be sustained:
All the justices concur.

NOTE BY THE REPORTER

Of the Sheriff, rise and sing,
"Glory to our earthly King!"

— EUGENE WARE.

Lawyer and Poet

RARE battalion of buff-jerkined knights,
That on my shelves huddle like sheep together!
Heroes of dusty fields and wordy fights!
Proudly you wear your well-scarred coats of leather!

Right learned Thebans are ye! well ye know it!
Dry as arithmetic and grave as Moses;
You're genial comrades for a madcap poet
That loves the songs of birds and smell of posies!

Graybeard old tomes whose tilting days are done
(Of the pure common law the murky fountain),
Crabbed old Coke, that upon Littleton
Rid'st like an ugly Old Man of the Mountain, —

Saunders the dusty-mouthed, that lives on pleas,
And chip-dry Chitty, ye are lightsome fairies!
With Blackstone only can I take mine ease,
For he wrote rhymes as well as Commentaries.

And you, ye younkers, that fresh calfskin wear!
New dressers of old dolls! rag-patchwork makers!
Delvers in dust heaps, spreading, with grand air,
Your father's learned ashes, yards o'er acres!

I tremble in your company, for fear
You'll dry up my heart's springs with your glum faces,
So that I nevermore shall love to hear
The robin sing, nor see the early daisies.

So be it never. For my daily bread,
Knightlings, I'll march before you into battle;
But, when the day is done, with unhelmed head
I'll walk the woods and hear the crickets rattle.

— GEORGE RAPALL NOYES.

The Festival of Injustice; or The Lawsuit

THERE was a lawsuit in our town:
Two honest farmers, White and Brown,
Who'd been near neighbors all their lives,
Had from the same home lured their wives,
Had interchanged celestial views,
On Sundays, from adjoining pews,
Subjecting thus, in the same church,
Their neighbors' sins to weekly search;
Had shared each golden Christmas chime,
And "changed works" every harvest time;
Had felt a partnership, half hid,
In everything they said and did;
Had always, on town-meeting day,
Talked, yelled, and voted both one way;
Who each, whate'er he wished to do,
Had all the influence of the two
(And two united, as men run,
Are more than twice as strong as one);
Whose children, through youth's sun and shade,
Had with each other fought and played —
These men fell out, one raw March day,
In something like the following way:

White had a sheep he boasted o'er:
Value, two dollars — maybe more.
Brown did a brindle dog possess;
Value, two cents, or maybe less.
The sheep, one night, was killed by stealth;
The dog retained his usual health.
White felt the separation-shock
As if the sheep had been a flock;
And reaped a crop of mental blues
(We always value what we lose).
Brown's heart the theory could not hear,

Which White propounded to his ear,
That his dog's life should make amends
(No cur so mean but has his friends).
White vowed, in words profanely deep,
That Brown's canine had killed his sheep
(Which accusation was o'ertrue;
The dog himself well knew it, too).
Brown, unconvinced and anger-eyed,
Insisted that his neighbor lied.
White skirmished round, by day and night,
In hopes to shoot the dog at sight;
Brown kenneled him beneath his bed,
And sent bad language out instead.
Suit for the sheep was brought by White;
Brown fought him back with all his might.
Thus are the reasons jotted down,
Why we'd a lawsuit in our town.

White's lawyer was, when fairly weighed,
The meanest of that tempted trade;
With all the vices of his clan,
And not a virtue known to man,
In almost every calling, he
Had shown how little men can be;
Had demonstrated, teaching schools,
That small men can be monstrous fools,
And by strong pupils, once or more,
Was taught the object of the door;
Had preached awhile, at his own call,
With hearers few, or none at all
(For souls to cling are seldom prone
Round men who have none of their own);
At farming once had tried his hand,
But laziness grows poor on land.
He had, for half a month or more,
Been salesman in a country store,
Where, though his talents he ne'er hid,
Some of the cash somebody did;
And he, before his sphere enlarged,
By his employer was discharged.
Then his frouzed head and lantern jaw

Had fin'lly drifted toward the law
(Not *to* it — candor must admit —
But only just in sight of it);
And so he took a dead-head trip,
On pettifoggery's pirate ship,
Coming at last, it may be said,
To be its brazen figurehead.
This wolf became, at one fell leap,
Attorney for White's missing sheep.
Brown's lawyer equal praise would bear;
Ah me! they were a pretty pair!

Such villains cast no shade of blame
On any honest lawyer's name;
There are those do not hew their life
Into the kindling wood of strife,
To fire men's hearts and homes in turn,
That they may rob them as they burn;
Who only take such causes as
The eternal Right already has;
Who, when a client comes along
Upon the fragile stilts of wrong,
And strives to make law help him bear
His weight through Error's putrid air,
Show him the sin on which he's bent,
Induce him, maybe, to repent,
And send him home, with altered plan,
A wiser and not poorer man.
Such, with strong heart, and head, and hand,
Are benefactors to the land;
It is not to the craft's disgrace
That there were none such in this case.

Scarce did the rage-envenomed din
Have leisure fairly to begin,
Through the thick crowd an old man strode,
Making himself a ragged road;
With gestures lower than his looks,
Upset a pile of huge law books,
Inked a half quire of legal cap,
Also Brown's lawyer's left-hand lap;

Ignoring, with a scorn profound,
The judge and jury clustering round,
He climbed his greatest tiptoe height,
And made this speech to Brown and White:

So you're at it, sure enough —
Side-hold, square-hold, kick and cuff —
Any way to down each other, if it's only brought about;
With two rogues in your employ,
For to hollo out, "S't boy!"
An' to superintend your pockets, an' pick up what rattles out.

An' your folks, too, it appears,
Have been gettin' by the ears,
All prepared to hate each other, for forever an' a day;
The devil gives a shout
When a family falls out;
But what is that to you 'uns, if you only have your way?

An' your friends an' neighbors, too,
Have been wranglin' over you;
Your example has been followed, as to brother fightin' brother;
There is more bad blood round here
Than'll drain off in a year;
But what is that to you 'uns, if you only bleed each other?

Can our church such things endure?
You're a-goin' to bu'st it, sure!
An' the hosts of sin are ready to begin their triumph revel;
But what would you 'uns give
To save all the souls that live,
So you just can clinch together, an' go rolling toward the devil?

And the Lord that o'er us reigns:
He has taken extra pains
For to put you two in harness, so's to pull together square;
'Stead o' which you kick an' bite,
With a reg'lar ten-mule spite;
Do you think that, strickly speaking, you're a-treatin' on Him fair?

O you law-bamboozled fools!
You old-self-ground devil's tools!
Do you know you're sowin' ruin out o' hell's half-acre lot?
Do you know when smart men fight
They Calamity invite,
Who comes round an' stays forever, till he eats up all they've got?

O you poor cat's-paws of spite!
Ain't there 'nough things for to fight —
Ain't there rust an' blight an' tempest — ain't there misery sore an' deep —
Ain't there ignorance an' wrong,
An' what woes to them belong,
But that you must fight each other 'bout a brindle dog and sheep?

Why, man is just one race,
In a very ticklish place,
With a thousand forces fightin' for to lay him on the shelf;
Don't it strike you, foolish men,
As a losin' business, then,
When he tears down his defenses, an' goes fightin' of himself?

An' these lawyers round here gawkin' —
Who has tried to stop my talkin' —
If they come it once too often, I — I vow I'll smash 'em both;
What d'ye s'pose they care for *you*,
Or for what *they* say or do?
For they don't pay no expenses, an' they ain't put under oath.

Shake han's now, an' be friends,
An' say, Here the matter ends,
An' divide the costs between you — what has so far been incurred;
It'll make this world less sad —
It'll make all heaven glad!
"Peace on earth," is just as good news as the angels ever heard.

Here the judge spoke, with angry air:
"We have no jurisdiction there;

It's more than all our work is worth,
To keep things steady here on earth;
We can't pretend, best we can do,
To litigate for angels too.
I hereby fine you, for this sport,
Ten dollars, for contempt of court,
And you will in the jail be laid,
Until the little sum is paid.
Remove this person from the place,
And let us go on with the case."

With look most cheerful and polite,
The old man turned to Brown and White,
Saying, "For your good I made this speech:
Pray lend me now, five dollars each.
I've been a-throwin' you advice
You couldn't ha' bought at any price.
If you will give my words an ear,
They're worth ten thousan' dollars clear."

His eloquence had no avail;
They took the old man off to jail.
The suit went on — please don't forget —
And, I believe, isn't finished yet.

— Will Carleton.

Women on Juries

I SAT alone in the jury box,
A "provisional juror," too;
And I had been badgered and lashed and probed
To find out how much I knew.
A gentleman took me in hand at first,
And praised my intelligence,
But afterwards held me up to scorn
As a woman without common sense.
Another gentleman proved me a fool
And a liar — conclusively —
But afterwards said that the jury box
Was exactly the place for me.

The judge gave a long, hypothetical charge
In a brilliantly positive style;
It sounds like "Alice in Wonderland,"
And Browning and Thomas Carlyle.
But in spite of these troubles I took my seat,
Serene, quite happy and cool;
I knew that my chair would be wanted soon
For another and bigger fool.

— Ellis Meredith.

Billington Brown

[air. — "bonnie dundee"]

To Tullamore town comes bold Billington Brown,[1]
In the pink of the fashion, and full of renown;
Let each juror who longs for a brief from the Crown,
Run after the odorous zephyr of "Brown";
Come, light my Havannah, and fill up my can,
If you seek for preferment, lads, I am your man;
There are briefs for ye all, and the guinea's paid down,
In the gray summer Hyam of Billington Brown.

You should see me, so portly, so smart, and so wise,
Preside in the court with the judge of assize,
Review all the facts, and the Statutes recall,
With *my own* points and practice for *Counselor Ball.*
Come, light my cigar, and come, fill up my can,
And give a big drink, for I rode and I ran.
'Tis a shame that the benchers don't give a silk gown
To the only true lawyer in Tullamore town.

With a rose in my coat and gold chain on my breast,
In a cool, airy suit, orientally drest,
You should see how I fill the *Examiner's* chair,
And the case for the Crown prosecution prepare.
Come, light my cigar, and fill up my can,
On the cross or direct, if you want a good man,

[1] Formerly assistant to the Crown Solicitors on the Home Circuit.

To bother a witness with blarney or frown,
You must follow the wagon and Billington Brown.

There are briefs still at Carlow, and briefs still at Naas,
For the Lurg and the Curragh give many a case,
And the landladies all, as we stop at each town,
Will have "good entertainment" for dear Mr. Brown.
Come, give me a pipe, and fill a big can,
If ye aim at the woolsack, lads, I am your man;
There are briefs for my children and money paid down
In the zephyr of *Pater Familias* Brown.

Rogues may fly to the hills, to the glens, to the rocks,
I'll hook them all out, tho' they crouch like a fox;
And whiteboys shall shake in the midst of their glee,
They have not seen the last of *my* supers and me.[1]
Then light my Havannah, and fill a huge can,
I've rowled into town on a shanderidan;
Whatever your signs and your symbols may be,
You'll have more than a match in *my juniors* and me.

You should see me at twilight, so balmy and sweet,
At the door of an ale-house, where townspeople meet,
Discussing the cases, the crowd ranged around,
Amazed at my larnin', so vast and profound.
Then fill a great pipe, and o'erflow a large can,
For leaders and wheelers, faith I am the man;
And you'll find, should you visit the outlets near town,
On the bosom of beauty, the amorous Brown.

—Stephen N. Elrington.

[1] Supernumerary, Crown Council.

A Successful Lawyer

HE heaped the logic pile on pile, the evidence still higher,
The counsel on the other side he hinted was a liar.
He said his client was a well-known gentleman and scholar,
And that his side had never paid their witnesses a dollar.
He told them of the orphan's moans, the base oppressor's sneers,
And, piling pathos mountain deep, moved all the Court to tears.
He said: "I came not here for fame, nor yet for paltry gold;
But justice is a thing, my friends, that never can be sold;"
And then at the rascality filled with indignant rage,
Declared the act unparalleled in any previous age.
He said that such a perjured wretch ne'er breathed beneath the sun,
And, rising in his legal might, asked that the right be done.
He quoted Blackstone, Chitty, Burr, that no one could dispute,
And said his "chain of reasoning" no lawyer could refute.
He told the "honest, lawful men" to judge alone by fact,
And not be swayed by empty speech and mere word-juggling tact.
He wound up with a "glowing scene" that moistened every eye,
And took his seat — to meditate on his stupendous lie.

— Ira Joyce.

According to Law

OUR lives are legal instruments,
We deed to good or bad intents,
And then affix the seal;
Acknowledged before Conscience stern,
The world has witnesses in turn
Duly attest them real.

Of Pleasure gay we ask a loan,
Her treatment in the past condone,
And when the time arrives,
While granting us our earnest plea
She takes for her security
A mortgage on our lives.

And so it goes; the records show
Transactions more than we may know
Upon the many pages;
The books of life are kept so true,
A record's there of all we do,
Though fierce the battle wages.

And when at last arrives the date
When settlements are due, then Fate
Turns to her grim archives;
And straightway then she draws up neat,
In form correct, and quite complete,
An abstract of our lives.

—Ada Marie Fitts.

The Outside Judge

YOU may sing of the judge, Common Pleas judge,
Or any judge that you please;
I go for the judge, the nice old judge,
That knowingly takes his ease,
And looking wise from behind the bench,
At the rate of six thousand a year,
Cares not a hair in his sound old head,
Who goes to the front or rear.

Not his is the bone they are fighting for,
And why should the judge sail in,
With nothing to gain, but a chance perhaps
To lose in strife and chagrin.
There may be a few, perhaps, who fail
To see it quite in this light;
But when the fur flies, I'd rather be
The outside judge in the fight.

I know there are some — of judges I speak —
  Who think it is quite the thing
To take the part of one in the fight,
  And hop right into the ring;
But I care not a hair what any may say,
  In regard to the wrong or the right,
My judgment goes, as well as my rhyme,
  For the judge that keeps out of the fight.

— MARSHALL BROWN.

On an Ill-read Lawyer

AN idle attorney besought a brother
  For "something to read — some novel or other,
  That was really fresh and new."
"Take Chitty!" replied his legal friend,
"There isn't a book that I could lend
  Would prove more 'novel' to you!"

— JOHN GODFREY SAXE.

The Trial of Sarah Palmer

FOR PRIVATELY STEALING

THE prisoner was at large indicted,
  For that by thirst of gain excited,
  One day in July last, at tea,
  And in the house of Mrs. P.,
From the left breast of E. M., Gent.,
With base felonious intent,
Did then and there a heart with strings,
Rest, quiet, peace, and other things,
Steal, rob, and plunder; all of them
The chattels of the said E. M.
  The prosecutor swore, last May
(The month he knew, but not the day)
He left his friends in town and went
Upon a visit down in Kent;
That, staying there a month or two,

He spent his time, as others do,
In riding, walking, fishing, swimming,
But being much inclined to women,
And young and wild, and no great reasoner,
He got acquainted with the prisoner.
He owed 'twas rumored in those parts
That she'd a trick of stealing hearts,
And from fifteen to twenty-two
Had made the devil-and-all to do:
But Mr. W. the Vicar
(And no man brews you better liquor)
Spoke of her thefts as tricks of youth,
The frolics of a girl, forsooth;
Things now were on another score,
He said, for she was twenty-four.
However, to make matters short,
And not to trespass on the court,
The lady was discovered soon,
And thus it was: One afternoon,
The ninth of July last, or near it
(As to the day he could not swear it),
In company at Mrs. P.'s,
Where folks say anything they please,
Dean L. and Lady Mary by,
And Fanny waiting on Miss Y.,
(He owned he was inclined to think
Both were a little in their drink,)
The prisoner asked, and called him cousin,
How many kisses made a dozen?
That being, as he owned, in liquor,
The question made his blood run quicker,
And, sense and reason in eclipse,
He vowed he'd score them on her lips:
That, rising up to keep his word,
He got as far as kiss the third,
And would have counted the other nine
(And so all present did opine),
But that he felt a sudden dizziness
That quite undid him for the business;
His speech, he said, began to falter,
His eyes to stare, his mouth to water,

His breath to thump without cessation,
And all with one conflagration,
"Bless me! (says Fanny) what's the matter?"
And Lady Mary looked hard at her,
And stamped and wished the prisoner further,
And cried out, "Part them, or there's murther!"
That still he held the prisoner fast,
And would have stood it to the last,
But struggling to go through the rest,
He felt a pain across his breast,
A sort of sudden twinge, he said,
That seemed almost to strike him dead;
And after that such cruel smarting
He thought the soul and body parting:
That then he let the prisoner go,
And staggered off a step or so,
And thinking that his heart was ill,
He begged of Miss Y.'s maid to feel;
That Fanny stepped before the rest
And laid her hand upon his breast,
But, mercy on us! what a stare
The creature gave! no heart was there:
Souse went her fingers in the hole,
Whence heart and strings and all were stole:
That Fanny turned and told the prisoner
She was a thief, and so she'd christen her;
And that it was a burning shame,
And brought the house an evil name;
And if she did not put the heart in,
The man would pine and die for certain.
The prisoner then was in her airs,
And bid her mind her own affairs,
And told his Reverence, and the rest of 'em,
She was as honest as the best of 'em:
That Lady Mary and Dean L.
Rose up, and said 'twas mighty well;
But that, in general terms they said it,
A heart was gone, and some one had it;
Words would not do, for search they must,
And search they would, and her the first:
That then the prisoner dropped her anger,

And said she hoped they would not hang her;
That all she did was meant in jest,
And there the heart was and the rest:
That then the Dean cried out, O fie!
And sent in haste for Justice I.,
Who, though he knew her friends and pitied her,
Called her hard names, and so committed her.
The parties present swore the same,
And Fanny said, the prisoner's name
Had frightened all the country round,
And glad she was the bill was found:
She knew a man, who knew another,
Who knew the very party's brother,
Who lost his heart by mere surprise,
One morning looking at her eyes;
And others had been known to squeak
Who only chanced to hear her speak;
For she had words of such a sort
That, though she knew no reason for't,
Would make a man of sense run mad,
And rifle him of all he had;
And that she'd rob the whole community
If ever she had opportunity.
The prisoner now first silence broke,
And courtesied round her, as she spoke:
She owned, she said, it much incensed her,
To hear such matters sworn against her;
But that she hoped to keep her temper,
And prove herself *eadem semper*:
That what the prosecutor swore
Was some part true and some part more:
She owned she had been often seen with him;
And laughed and chattered on the green with him;
The fellow seemed to have humanity,
And told her tales that soothed her vanity,
Pretending that he loved her vastly,
And that all women else looked ghastly:
But then she hoped the court would think
She never was inclined to drink,
Or suffer hands like his to daub her, or
Encourage men to kiss and slobber her:

She'd have folks know she did not love it,
Or, if she did, she was above it:
But this, she said, was sworn of course,
To prove her giddy, and then worse;
As she whose conduct was thought *levis*
Might very well be reckoned thievish.
She hoped, she said, the court's discerning
Would pay some honor to her learning,
For every day, from four to past six,
She went upstairs and read the classics.
Thus having cleared herself of levity,
The rest, she said, would come with brevity.
And first it injured not her honor
To own the heart was found upon her;
For she could prove, and did aver,
The paltry thing belonged to her.
The fact was thus. This prince of knaves
Was once the humblest of her slaves,
And often had confessed the dart
Her eyes had lodged within his heart:
That she, as 'twas her constant fashion,
Made great diversion of his passion,
Which set his blood in such a ferment
As seemed to threaten his interment:
That then she was afraid of losing him,
And so desisted from abusing him;
And often came and felt his pulse,
And bid him write to Doctor Hulse.
The prosecutor thanked her kindly,
And sighed, and said she looked divinely;
But told her that his heart was bursting,
And doctors he had little trust in;
He therefore begged her to accept it,
And hoped 'twould mend, if once she kept it:
That having no aversion to it,
She said, with all her soul she'd do it;
But then she begged him to remember,
If he should need it in December
(For winter months would make folks shiver
Who wanted either heart or liver),
It never could return; and added

'Twas hers for life if once she had it.
The prosecutor said Amen,
And that he wished it not again;
And took it from his breast and gave her,
And bowed and thanked her for the favor;
But begged the thing might not be spoke of,
As heartless men were made a joke of:
That next day whispering him about it,
And asking how he felt without it,
He sighed, and cried, "Alack! alack!"
And begged and prayed to have it back,
Or that she'd give him hers instead on't,
But she conceived there was no need on't,
And said, and bid him make no pother,
He should have neither one nor th' other:
That then he raved and stormed like fury,
And said that one was his *de jure*,
And rather than he'd leave pursuing her,
He'd swear a robbery, and ruin her.
That this was truth she did aver,
Whatever hap betided her;
Only that Mrs. P., she said,
Miss Y. and her deluded maid,
And Lady Mary, and his Reverence,
Were folks to whom she paid some deference,
And that she verily believed
They were not perjured, but deceived.
Then Doctor D. begged leave to speak,
And sighed as if his heart would break:
He said that he was Madam's surgeon,
Or rather, as in Greek, chirurgeon,
From *chier*, *manus*, *ergon*, *opus*,
(As scope is from the Latin *scopus*):
That he, he said, had known the prisoner
From the first sun that ever rose on her,
And grieved he was to see her there;
But took upon himself to swear,
There was not to be found in nature
A sweeter or a better creature;
And if the King (God bless him!) knew her,
He'd leave St. James's to get to her;

But then, as to the fact in question,
He knew no more on't than Hephæstion;
It might be false and might be true,
And this, he said, was all he knew.
The judge proceeded to the charge,
And gave the evidence at large,
But often cast a sheep's eye at her,
And strove to mitigate the matter;
Pretending facts were not so clear,
And mercy ought to interfere.
The jury then withdrew a moment,
As if on weighty points to comment,
And, right or wrong, resolved to save her,
They gave a verdict in her favor.
But why or wherefore things were so
It matters not for us to know.
The culprit, by escape grown bold,
Pilfers alike from young and old;
The country all around her teases
And robs and murders whom she pleases.

— EDWARD MOORE.

Cumber *v.* Wane

[I. SM. L. C. 366. TEMP. 1719.]

WHO pays a part in lieu of all
Knows not the mystic legal art;
For on him for the rest they fall
Who pay a part.

One *Wane* had touched his *Cumber's* heart.
"Give me a third your debt: I'll call
It settled," said he in the mart;

Yet sued and gained the rest. The hall
Rang loud with plaints: "Ah! well-timed dart!
He pays the rest with rising gall
Who pays a part."

— EDMUND B. V. CHRISTIAN.

The Juryman's Carol

IT was a warm, hairst day,
A day the farmer grudges,
When I was called away
To meet the Circuit Judges:
My tie was Holland brown,
My coat green, I assure ye,
For I had come to town
To sit upon the jury.

In court, the ballot drawn,
The jury benched compactly,
Then I was bid begone
And come at two exactly;
I went, I came, and then
All time and honor scorning,
I was bid come again
At ten o'clock next morning.

And then began the show —
We sat on wooden benches,
Sweet fifteen in a row,
All raveled in our senses;
While wigs of horsehair flew
To questions, speeches, wrangling,
Pulling the cases through,
Like lasses at a mangling.

A lad or two for theft
Of handkerchiefs and purses,
A poet who had reft
His fancy of bad verses;
And many cases more
Of evil predilections,
With constables who swore
To previous convictions.

And fast through thick and thin,
'Mong all their hilty-tilty,
We brought the prisoners in
Unanimously guilty;
Resolved, whate'er the crime,
In spite of fuss or fizziness,
To save each tick of time
That kept us from our business.

—"Law Lyrics."

The Lawyer

PROFESSIONS will abuse each other:
The priest won't call the lawyer brother;
While Salkeld still beknaves the parson,
And says he *cants* to keep the farce on!
Yet will I readily suppose
They are not truly bitter foes,
But only have their pleasant jokes,
And banter, just like other folks,
As thus; for so they *quiz* the Law!
Once on a time th' attorney Flaw,
A man, to tell you as the fact is,
Of vast chicane, of course of practice
(But what profession can we trace
Where *some* will not the corps disgrace?
Seduced, perhaps, by roguish client,
Who tempts him to become more pliant),
A notice had to quit the world —
And from his desk at length was hurled!
Observe, I pray, the plain narration: —
'Twas in a hot and long vacation,
When time he had, but no assistance,
Though great from courts of law the distance,
To reach the Court of Truth and Justice
(Where, I confess, my only trust is):
Though here below the learnéd pleader
Showed talents worthy of a leader,
Yet his own fame he must support,
Be sometimes witty with the court,

Or work the passions of a jury
By tender strains, or, full of fury,
Misleads them all, though twelve apostles,
While with new law the judge he jostles,
And makes them all give up their pow'rs
To speeches of at least three hours!
  But we have left our little man,
And wandered from our purposed plan:
'Tis said, without ill-natured leaven,
"If ever lawyers get to heaven,
It surely is by slow degrees";
Perhaps 'tis slow they take their fees!
The case, then, now I'll fairly state;
Flaw reached at last to heaven's high gate:
Quite spent, he rapped — none did it neater;
The gate was opened by St. Peter,
Who looked astonished when he saw,
All black, the little man of law!
But charity was Peter's guide,
For, having once himself denied
His Master, he would not o'erpass
The penitent of *any class;*
Yet, never having heard there entered
A lawyer, nor of one that ventured
Within the realms of Peace and Love,
He told him, mildly, to remove —
And would have closed the gate of day,
Had not old Flaw, in suppliant way,
Demurring to so hard a fate,
Begged but to look, though through the gate.
St. Peter, rather off his guard,
Unwilling to be thought too hard,
Opens the gate to let him peep in: —
What did the lawyer? — Did he creep in;
Or dash at once, to take possession?
Oh, no — he knew his own profession:
He took his hat off with respect,
And would no gentle means neglect;
But, finding it was all in vain
For him admittance to obtain,
Thought it were best, let come what will,

To gain *an entry* by his skill;
So, while St. Peter stood aside,
To let the door be opened wide,
He skimmed his hat with all his strength
Within the gates, to no small length!
St. Peter stared: the lawyer asked him
"Only to fetch his hat" — and passed him:
But, when he reached the *Jack* he'd thrown,
Oh, then was all the lawyer shown! —
He clapped it on; and, arms a-kimbo,
As if he'd been the gallant Bembo,
Cried out, "What think you of my plan? —
Eject me, Peter, if you can!"

— ANONYMOUS.

A Law Student

WHEN one talks of hereditaments, misprisions, and indentures,
Of chattels and of mortgages, of choses and debentures,
Of assumpsit, debt, and covenant, of trespass and attainders,
Of writs of habeas corpus, of reversions and remainders,
Of attaching and conveyancing, of signing and endorsing,
Of femes, both sole and covert, separating and divorcing,
Of words of twenty letters, which you'd think would break his jaw,
You will then know that the fellow is just begun to study law.

— ANONYMOUS.

The Devil and the Lawyers

THE Devil came up to the earth one day,
And into the court he wended his way,
Just as the attorney, with very grave face,
Was proceeding to argue the point in a case.

Now, a lawyer his majesty never had seen,
For to his dominions none ever had been,
And he felt very anxious the reason to know
Why none had been sent to the regions below.

'Twas the fault of his agents, his majesty thought,
That none of these lawyers had ever been caught,
And for his own pleasure he felt a desire,
To come to the earth and the reason inquire.

Well, the lawyer who rose, with a visage so grave,
Made out his opponent a consummate knave;
And Satan felt considerably amused
To hear the attorney so badly abused.

But soon as the speaker had come to a close,
The counsel opposing him fiercely arose,
And heaped such abuse on the head of the first,
That made him a villain of all men the worst.

Thus they quarreled, contended, and argued so long,
'Twas hard to determine which of them was wrong,
And concluding he'd heard enough of the fuss,
Old Nick turned away, and soliloquized thus:

"They've puzzled the court with their villainous cavil,
And, I'm free to confess it, they've puzzled the Devil.
My agents were right to let lawyers alone,
If I had them they'd swindle me out of my throne."

— ANONYMOUS.

The Lawyer's Lullaby

BE still, my child! remain in statu quo,
While I propel thy cradle to and fro.
Let no involved res inter alios
Prevail while we're consulting inter nos.

Was that a little pain in medias res?
Too bad! too bad! we'll have no more of these.
I'll send a capias for some wise expert
Who knows to eject the pain and stay the hurt.

No trespasser shall come to trouble thee.
For thou dost own this house in simple fee—
And thy administrators, heirs, assigns,
To have, to hold, convey at thy designs.

Correct thy pleadings, my own baby boy!
Let there be an abatement of thy joy;
Quash every tendency to keep awake,
And verdicts, costs, and judgments thou shalt take.

—ANONYMOUS.

Puir Chap!

WHILE merchants mak' fortunes aff pouther and shoddy
That wander ayont the saut seas,
Life's whirligig wheel tae the wee writer body
Gie's mony a nip and squeeze.
A lawyer gets mony a slap,
Puir chap!
A lawyer gets mony a slap.

And whiles at the end o' a weel-bungled case,
Howe'er his account he enlarges,
His client will tell the ink-bland tae his face
Tae squeak for his fees and his charges.
A lawyer gets mony a slap, etc.

Aft too, when wi' care he mak's oot his account,
Charged up wi' guid fees to the double,
The auditor's pen pikes aff half the amount,
And adds a guid sum for his trouble.
A lawyer gets mony a slap, etc.

But still he is free to mak' hash o' a will,
And deal oot bad law frae his table,
Gie cantie auld wives wrang advice to their fill,
And charge them as high as he's able.
A lawyer gets mony a slap, etc.

—ANONYMOUS.

Excise Law

A LAWYER quite famous for making a bill,
And who in good living delighted,
To dinner one day with a hearty good-will
Was by a rich client invited.
But he charged six-and-eightpence for going to dine,
Which the client he paid, tho' no ninny,
And in turn charged the lawyer for dinner and wine,
One a crown, and the other a guinea.
But gossips, you know, have a saying in store,
He who matches a lawyer has only one more.

The lawyer he paid it and took a receipt,
While the client stared at him with wonder,
With the produce he gave a magnificent treat,
But the lawyer soon made him knock under.
That his client sold wine, information he laid,
Without license, and spite of his storming,
The client a good thumping penalty paid,
And the lawyer got half for informing.
But gossips, you know, have a saying in store,
He who matches a lawyer has only one more.

— ANONYMOUS.

On Lawyers and their Clients

TWO lawyers, when a knotty case was o'er,
Shook hands and were as good friends as before.
"Say," cried the losing client, "how come you
To be such friends who were such foes just now?"
"Thou fool," one answers, "lawyers, tho' so keen,
Like shears, ne'er cut themselves, but what's between."

— ANONYMOUS.

A Lawyer's Farewell to his Muse

AS by some tyrant's stern command
A wretch forsakes his native land,
In foreign climes condemned to roam,
An endless exile from his home;
Pensive he treads the destined way,
And dreads to go, nor dares to stay;
Till on some neighboring mountain's brow
He stops, and turns his eye below;
There, melting at the well-known view,
Drops a last tear and bids adieu:
So I, thus doomed from thee to part,
Gay queen of Fancy and of Art,
Reluctant move, with doubtful mind,
Oft stop, and often look behind.

Companion of my tender age,
Serenely gay, and sweetly sage,
How blithesome were we wont to rove
By verdant hill or shady grove,
Where fervent bees, with humming voice,
Around the honeyed oak rejoice,
And aged elms, with awful bend,
In long cathedral walks extend!
Lulled by the lapse of gliding floods,
Cheered by the warbling of the woods,
How blest my days, my thoughts how free,
In sweet society with thee!
Then all was joyous, all was young,
And years unheeded rolled along:
But now the pleasing dream is o'er,
These scenes must charm me now no more;
Lost to the field, and torn from you —
Farewell! — a long, a last adieu.

The wrangling courts and stubborn Law
To smoke and crowds and cities draw;
There selfish Faction rules the day,

And Pride and Avarice throng the way;
Diseases taint the murky air,
And midnight conflagrations glare;
Loose Revelry and Riot bold
In frighted street their Orgies hold;
Or where in silence all is drowned,
Fell Murder walks her lonely round;
No room for Peace, no room for you —
Adieu, celestial Nymph, adieu!

Shakespeare no more, thy sylvan son,
Nor all the art of Addison,
Pope's heaven-strung lyre, nor Waller's ease
Nor Milton's mighty self must please;
Instead of these, a formal band
In furs and coifs around me stand,
With sounds uncouth and accents dry,
That grate the soul of harmony.
Each pedant sage unlocks his store
Of mystic, dark, discordant lore,
And points with tott'ring hand the ways
That lead me to the thorny maze.

There, in a winding, close retreat
Is Justice doomed to fix her seat;
There, fenced by bulwarks of the *Law*,
She keeps the wondering world in awe;
And there, from vulgar sight retired,
Like eastern queens, is much admired.

O, let me pierce the secret shade,
Where dwells the venerable maid!
There humbly mark, with reverent awe,
The guardian of Britannia's Law;
Unfold with joy her sacred page
(The united boast of many an age,
Where mixed, yet uniform, appears
The wisdom of a thousand years).
In that pure spring the bottom view,
Clear, deep, and regularly true,
And other doctrines thence imbibe

Than lurk within the sordid scribe;
Observe how parts with parts unite
In one harmonious rule of right;
See countless wheels distinctly tend
By various laws to one great end;
While mighty Alfred's piercing soul
Pervades and regulates the whole.

Then welcome business, welcome strife,
Welcome the cares, the thorns of life,
The visage wan, the pore-blind sight,
The toil by day, the lamp by night,
The tedious forms, the solemn prate,
The pert dispute, the dull debate,
The drowsy bench, the babbling hall —
For thee, fair Justice, welcome all!

Thus, though my noon of life be past,
Yet let my setting sun at last
Find out the still, the rural cell,
Where sage Retirement loves to dwell!
There let me taste the home-felt bliss
Of innocence and inward peace;
Untainted by the guilty bribe;
Uncursed amid the harpy tribe;
No orphan's cry to wound my ear;
My honor and my conscience clear:
Thus may I calmly meet my end,
Thus to the grave in peace descend.

— Sir William Blackstone.

NOTES

STORY, W. W., p. 5. "A Roman Lawyer in Jerusalem." This poem in its entirety may be found in the two-volume edition of poems by William Wetmore Story, published by Messrs. Houghton, Mifflin & Co., Boston.

WELCH, p. 20. The "Rejoinder to 'A Roman Lawyer'" is intended as a reply to the ingenious argument advanced in defence of Judas Iscariot in Story's poem, "A Roman Lawyer in Jerusalem; First Century," in which Mr. Story presents the supposed letter of Marcus (the "Roman Lawyer"), sojourning in Judæa, to his friend Caius at Rome. The "rejoinder" is the supposed reply of Caius to Marcus.

FLETCHER, p. 33. This poem is from "Christ's Victory in Heaven," first published in 1610.

SWIFT, p. 38. Taken from "Cadeñus and Vanessa."

CHAUCER, p. 56. "A Fourteenth Century Lawyer" is from "The Canterbury Tales," and is the oldest poetic description of a lawyer in modern English literature.

LANGHORNE, p. 70. This poem, beautiful in itself, has an associated interest beyond its beauty. "The only thing I remember," says Sir Walter Scott, "which was remarkable in Burns's manner, was the effect produced upon him by a print of Bunbury's representing a soldier lying dead on the snow; his dog sitting in misery on one side, — on the other, his widow with a child in her arms. These lines were written beneath:

"'Cold on Canadian hills, or Minden's plain,' etc.

Burns seemed much affected by the print, or rather the ideas which it suggested to his mind. He actually shed tears. He asked whose the lines were, and it chanced that nobody but myself remembered that they occur in a half-forgotten poem of Langhorne's, called by the unpromising title of 'The Justice of Peace.' I whispered my information to a friend present, who mentioned it to Burns, who rewarded me with a look and a word which, though of mere civility, I then received, and still recollect with very great pleasure."

BURROW, p. 78. The widow of a foreigner, being left destitute on the death of her husband, who had no parochial settlement in England, was removed from a parish in London to the parish in the country in which she was born; but this parish appealed to the quarter sessions against the order of removal on the ground that a

maiden settlement is for ever lost by marriage. The justices at sessions, being much puzzled, referred the case to the Court of King's Bench, and the decision there is recorded by Sir James Burrow in his Reports, as given in the poem "Settlement Cases."

HOLMES, p. 95. "A Response at a Boston Bar Banquet." This excellent poem is not found in the collected edition of Dr. Holmes's works.

SAXE, pp. 127, 168, 231, 249. John Godfrey Saxe might properly be called "The Lawyers' laureate." He was a successful practitioner in Vermont, and afterwards resided in Albany, N.Y. He will be known to posterity chiefly through his poems, many of which are on legal themes.

MIDDLETON, p. 135. "Eulogy of the Law" is from the play of "The Phœnix."

PALMER, p. 137. The maxims of equity as indexed by the American and English Encyclopædia of law are as follows: —

1. *Equity follows the law.*
2. *Equity regards that as done which ought to have been done.*
3. *Equity looks to the intent rather than to the form.*
4. *Equality is equity.*
5. *He who seeks equity must do equity.*
6. *He who comes into equity must come with clean hands.*
7. *Between equal equities the first in time shall prevail.*
8. *Between equal equities the law must prevail.*
9. *Equity aids the vigilant, not the sleeping.*
10. *Equity imputes an intention to fulfil an obligation.*
11. *Equity will not suffer a right to be without a remedy.*
12. *Equity acts* in personam.
13. *Equity acts specifically.*

GILBERT, pp. 158, 213. "The Judge's Song" is taken from the comic opera "Trial by Jury"; and the "Lord Chancellor's Song" from "Iolanthe."

HALPINE, p. 171. "To the Chief Justice" was addressed to Chief Justice Salmon P. Chase, when presiding in the Senate over the impeachment trial of President Andrew Johnson, at a time when every effort was being made by the Republican press to force a conviction as a party measure, and when it was feared that the accused would not have an impartial hearing.

TAYLOR, p. 191. "Lines written in a Lawyer's Office." This poem was written by Tom Taylor, author and dramatist; called to the bar as a member of Inner Temple in 1845. The poem first appeared in *Punch*, Vol. XX. (1851). In Bryant's "Library of Poetry" it is credited to Henry Howard Brownell, but is not contained in his works.

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